

URBAN/MUNICIPAL

CA4 ON HBL A08
B91
1998

BY-LAWS OF THE
CORPORATION OF THE CITY
OF HAMILTON

98 - 126 ...

CAY ON HBC A02

B91

Bill No. C-66

The Corporation of the City of Hamilton

BY-LAW NO. 98- 126

To Adopt:

Official Plan Amendment No. 148

Respecting:

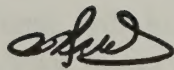
**LANDS LOCATED AT 1317 UPPER JAMES STREET
WITHIN THE JEROME NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

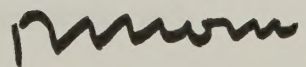
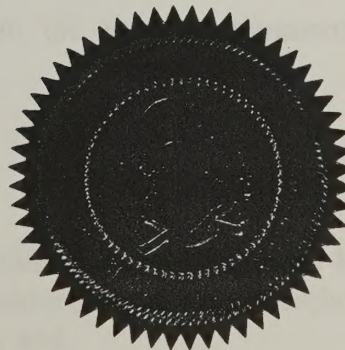
1. Amendment No. 148 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 28th day of April

A.D. 1998



CITY CLERK



MAYOR

(1998) 6 R.P.D.C. 5, March 31
Hampshire Properties Limited, Owner
ZAC-97-39/1317 Upper James Street

Amendment No. 148

to the

City of Hamilton Official Plan

The following text, together with Schedule "A" - Land Use Concept of the Official Plan, and Schedule "B" - Special Policy Areas, attached hereto, constitute Official Plan Amendment No. 147.

Purpose:

The purpose of this Amendment is to redesignate the rear portion of the subject lands from "Residential" to "Commercial" and redesignate the entire subject lands from Special Policy Area (SPA) No. 31a to Special Policy Area No. 31 to permit commercial development.

Location:

The lands affected by this Amendment are for the property known municipally as No. 1317 Upper James Street, within the Jerome Neighbourhood.

Basis:

The basis for permitting commercial development on the subject lands is as follows:

- 1) The proposed commercial development is appropriately located on a major arterial roadway; and,
- 2) The development will be in keeping with the existing commercial streetscape and character of Upper James Street.

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the rear portion of the subject lands from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment; and,

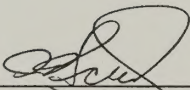
- 2) Schedule "B" - Special Policy Areas be revised by redesignating the subject lands from Special Policy Area No. 31a to Special Policy Area No. 31, as shown on the attached Schedule "B" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- 126 , passed on the 28th day of April~~th~~ , 1998.

The Corporation of the
City of Hamilton



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 98- 127

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1317 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 148, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

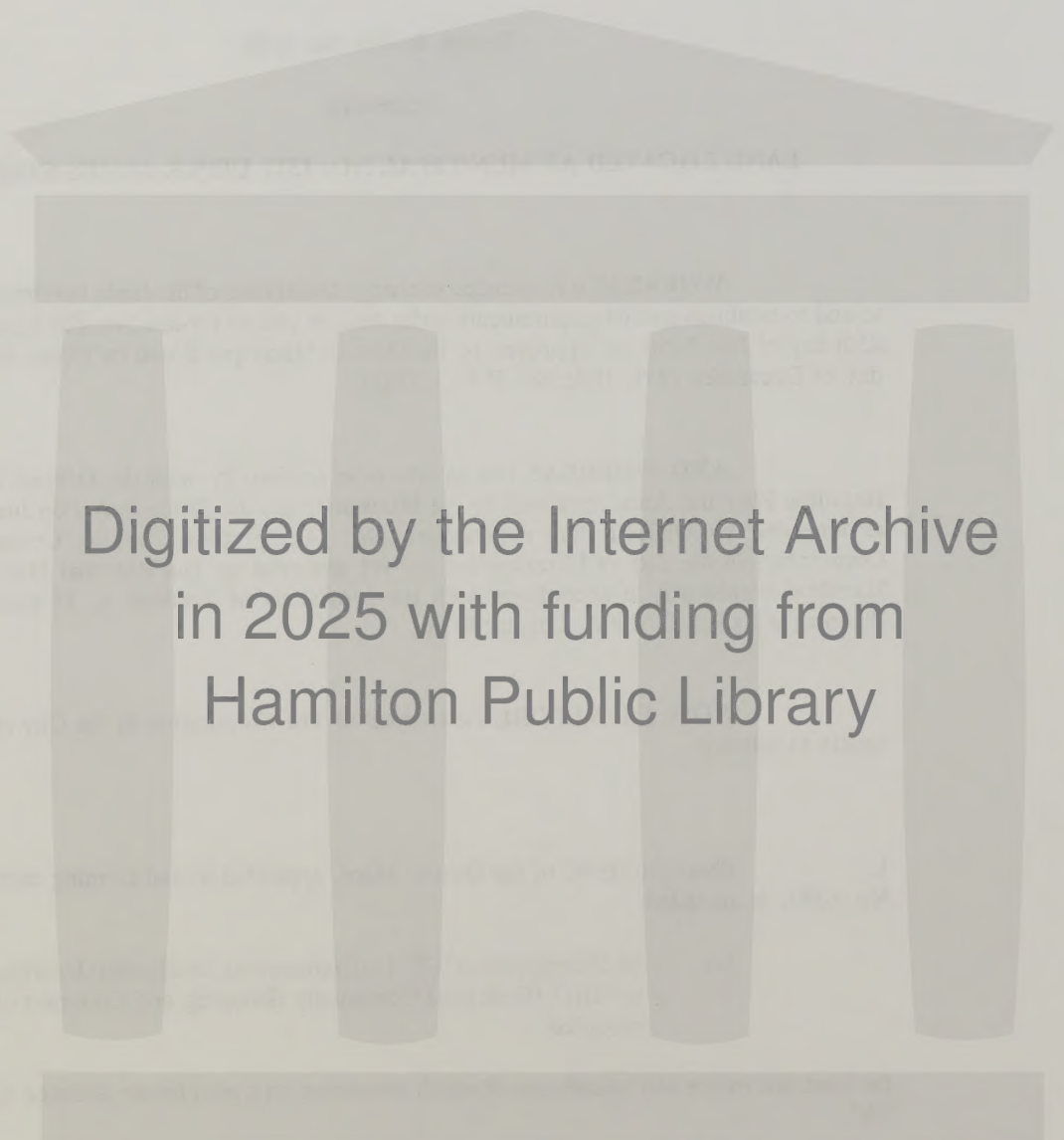
1. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "CR-1" (Commercial-Residential) District, modified, to "HH" (Restricted Community Shopping and Commercial) District, modified

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Shopping and Commercial) District provisions, as contained in Section 14A. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A.(3)(a) of Zoning By-law 6593, a front yard depth of at least 24.0 metres shall be provided and maintained; and,
- (b) a landscaped planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and,



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Hamilton Public Library

<https://archive.org/details/32022213349117>

- (c) a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and,
- (d) a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for access driveway.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1401.

5. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1401.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

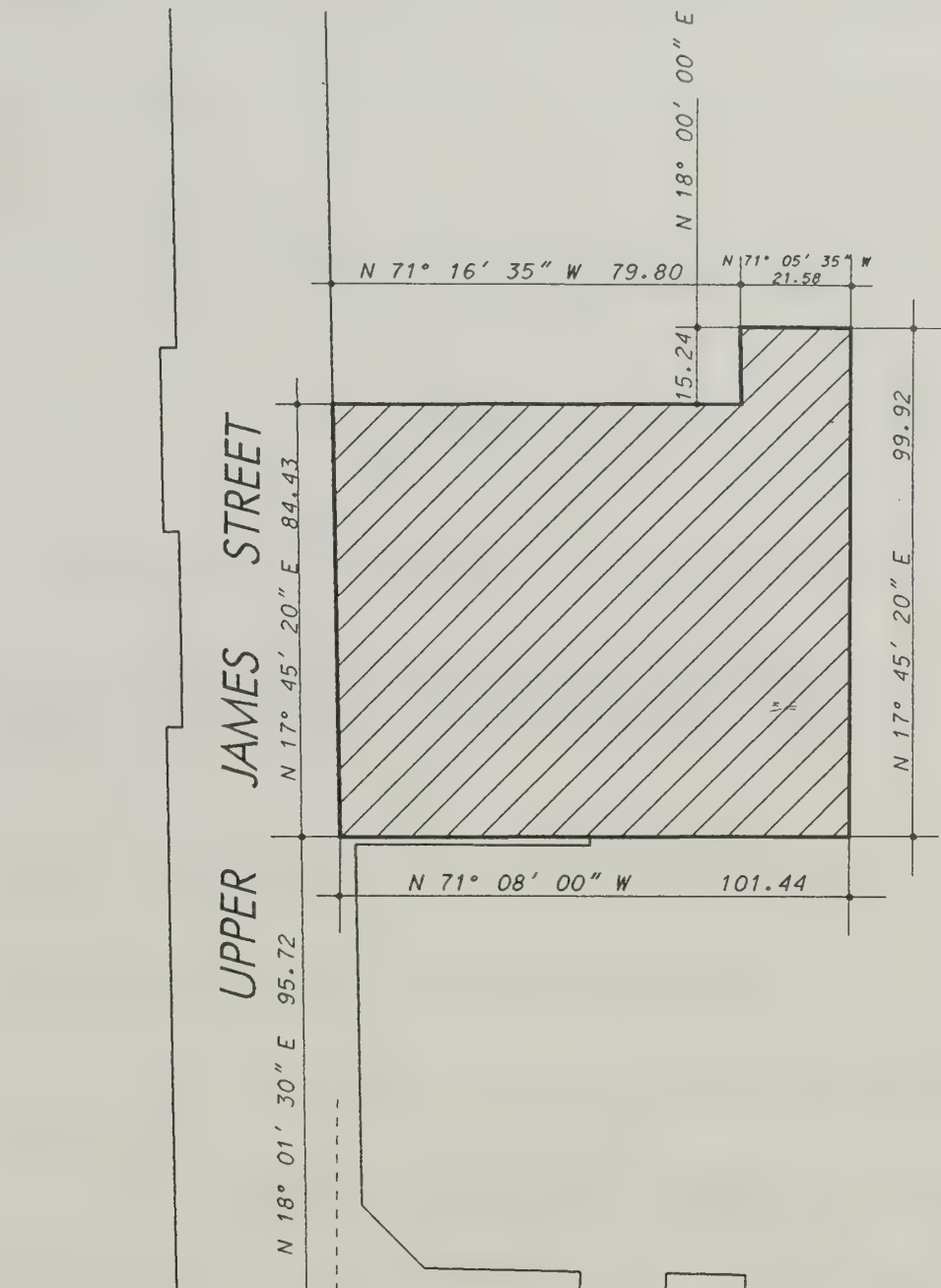
PASSED this 28th day of April A.D. 1998



CITY CLERK



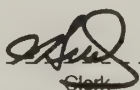

MAYOR

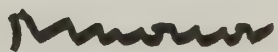


North East corner of
STONE CHURCH ROAD & UPPER JAMES
NOTE: All dimensions are in metres

STONE CHURCH ROAD EAST

This is Schedule "A" to By-Law No. 98-127
Passed the 28th day of April, 1998.


Clerk


Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-127

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"CR-1" (Commercial - Residential) District, modified to
"HH" (Restricted Community Shopping and Commercial)
District, modified.

North


Scale
NOT TO SCALE

Date
April 1998

Reference File No.
ZAC-97-39

Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 98-128

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 243 FENNEL AVENUE EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-16 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "RT-20"-'H' (Townhouse-Maisonette - Holding) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to the land comprised in Block 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 2. (2) A.(viib) and 10E.(7) of Zoning By-law No. 6593, only one townhouse dwelling having not less than two single family dwelling units and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted;
- (b) notwithstanding Section 10E.(4)(a) of Zoning By-law No. 6593, for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,
- (c) notwithstanding Section 10E.(17)(a) of Zoning By-law No. 6593, for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row.

3. The "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to the land comprised in Block 2, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10E.(7) of Zoning By-law No. 6593, only townhouse dwellings having a maximum total of ten single family dwelling units shall be permitted; and,
- (b) notwithstanding Section 10E.(17)(a) of Zoning By-law No. 6593, for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row.

4. No pedestrian or vehicular access shall be permitted from East Eleventh Street.

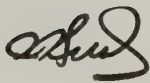
5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-20" District, subject to the special requirements referred to in sections 2 and 3.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1400.

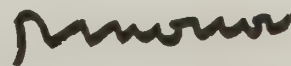
7. Sheet No. E-16 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1400.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 28th day of April A.D. 1998

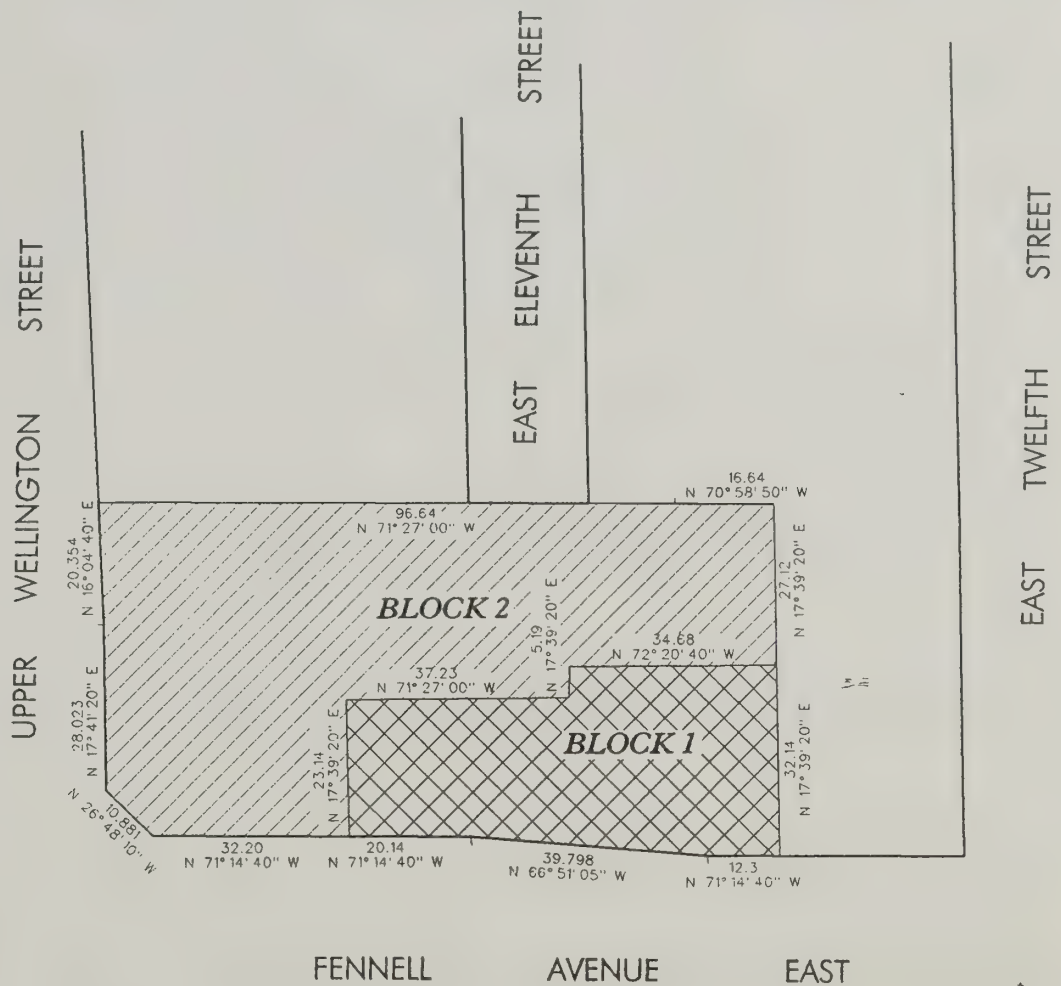


CITY CLERK

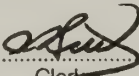
MAYOR

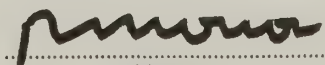
(1998) 7 R.P.D.C. 1, April 14
 (1998) 8 R.P.D.C. 11, April 28
 1215443 Ontario Inc.
 (Ontario Pride Construction/Michael Bobiash), Owner
 Amended ZAC-98-03



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-128
Passed the 28th day of April, 1998.


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-128
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning From:

- BLK 1 "C" (Urban Protected Residential, etc.)
District to "RT-20" (Townhouse -
Maisonette) District, Modified.
- BLK 2 "C" (Urban Protected Residential, etc.)
District to "RT-20" (Townhouse -
Maisonette) District, Modified.

North



Scale
Not to Scale

Date
APRIL 1998

Reference File No.
ZAC-98-03

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 129

To Adopt:

Official Plan Amendment No. 147

Respecting:

**LANDS LOCATED AT 135 FENNEL AVENUE WEST
WITHIN THE BUCHANAN NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

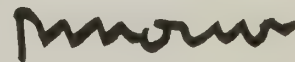
1. Amendment No. 147 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 28th day of April

A.D. 1998



CITY CLERK



MAYOR

(1998) 5 R.P.D.C.(3.a) , March 10
Mohawk College, Owner
OPA-147

Amendment No. 147

to the

City of Hamilton Official Plan

The following text, together with Schedule B, attached hereto, constitute Official Plan Amendment No. 147.

Purpose:

The purpose of this Amendment is to establish a "Special Policy Area" within the "Major Institutional" designation to permit a private recreational facility on a portion of the subject lands.

Location:

The lands affected by this Amendment are a portion of the lands known municipally as No. 135 Fennell Avenue West (Mohawk College), within the Buchanan Neighbourhood.

Basis:

The basis for permitting the private recreational facility is:

- 1) there is a tennis bubble which has existed on the lands since 1977 and due to its deteriorating condition will be replaced a newer facility. In this regard, the land use will remain the same but the facility will be run privately rather than as public facility run by Mohawk College;
- 2) it complements the institutional and residential land use in the area; and,
- 3) it provides for recreational opportunities in the community.

Actual Changes:

1. The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.71:

"In addition to the permitted uses set out in Subsection A.2.6 - Major Institutional Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 76, and located on

lands municipally known as 135 Fennell Avenue West (Mohawk College), a private recreational facility shall be permitted on a portion of the lands of Mohawk College.

2. The following be added to Schedule "B" - Special Policy Areas:

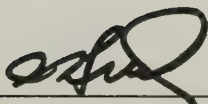
- Special Policy Area 76; and;
- "Area 76 refer to Policy A.2.9.3.71" in the legend, as shown on the attached Schedule "B" of this Amendment.

Implementation:

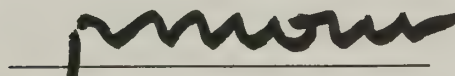
A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98-129 , passed on the 28th day of April , 1998.

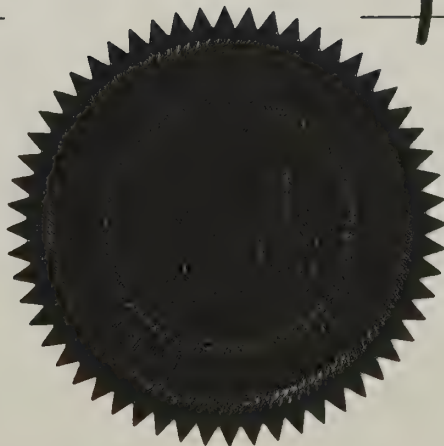
The Corporation of the
City of Hamilton



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 98-130

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 135 FENNELL AVENUE WEST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 147, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "B" (Suburban Agriculture and Residential, etc.) District provisions, as contained in Section 8. of Zoning By-law No. 6593, applicable to the land comprised in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 8.(1) of Zoning By-law No. 6593, the following additional uses shall be permitted:
 - i) a Student Residence accessory to the college located on Block "2", containing a maximum of 250 units, and accommodating a maximum of 500 students;
 - ii) a fitness centre with a maximum floor area of 270 m², which shall be located within the same building and shall be operated as an accessory use to a student residence on Block "1" and/or a college on Block "2";
 - iii) meeting and seminar rooms, which shall be located within the same building as a student residence, with a combined maximum floor area of 188 m²;
 - iv) a private tennis club, provided that the student residence permitted by clause i) shall have a maximum capacity of 180 units, and shall accommodate a maximum of 360 students.
- (b) notwithstanding Section 8.(2) of Zoning By-law No. 6593, no building shall exceed a height of 5 storeys;
- (c) notwithstanding Section 8.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 19 m shall be provided and maintained;

- (d) notwithstanding Section 18A. of Zoning By-law No. 6593, a portion of the required parking and manoeuvring spaces for the permitted uses on Block "1", may be provided and maintained on Block "2"; and,
- (e) Section 18A.(11) and 18A.(12) of Zoning By-law No. 6593 shall not apply to the parking areas abutting the southerly and easterly boundaries of Block "1".

2. That the "B" (Suburban Agriculture and Residential, etc.) District provisions, as contained in Section 8. of Zoning By-law No. 6593, applicable to the land comprised in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 8.(1) of Zoning By-law No. 6593, parking accessory to a permitted use on Block "1", shall be permitted on Block "2";
- (b) Section 18A.(11) and 18A.(12) of Zoning By-law No. 6593 shall not apply to the parking areas on Block "2", abutting the southerly and easterly boundaries of Block "1";
- (c) notwithstanding Section 18A.(11) and 18A.(12) of Zoning By-law No. 6593, a minimum 6 m wide planting strip shall be provided and maintained along the southerly lot line of Block "2", beginning at the south west corner of Block "2", for a minimum distance of 445 m easterly.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B" District provisions, subject to the special requirements referred to in sections 1 and 2.

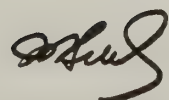
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1399.

5. Sheets No. W-15 and W-16 of the District Maps are amended by marking the lands referred to in sections 1 and 2 of this by-law, S-1399.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

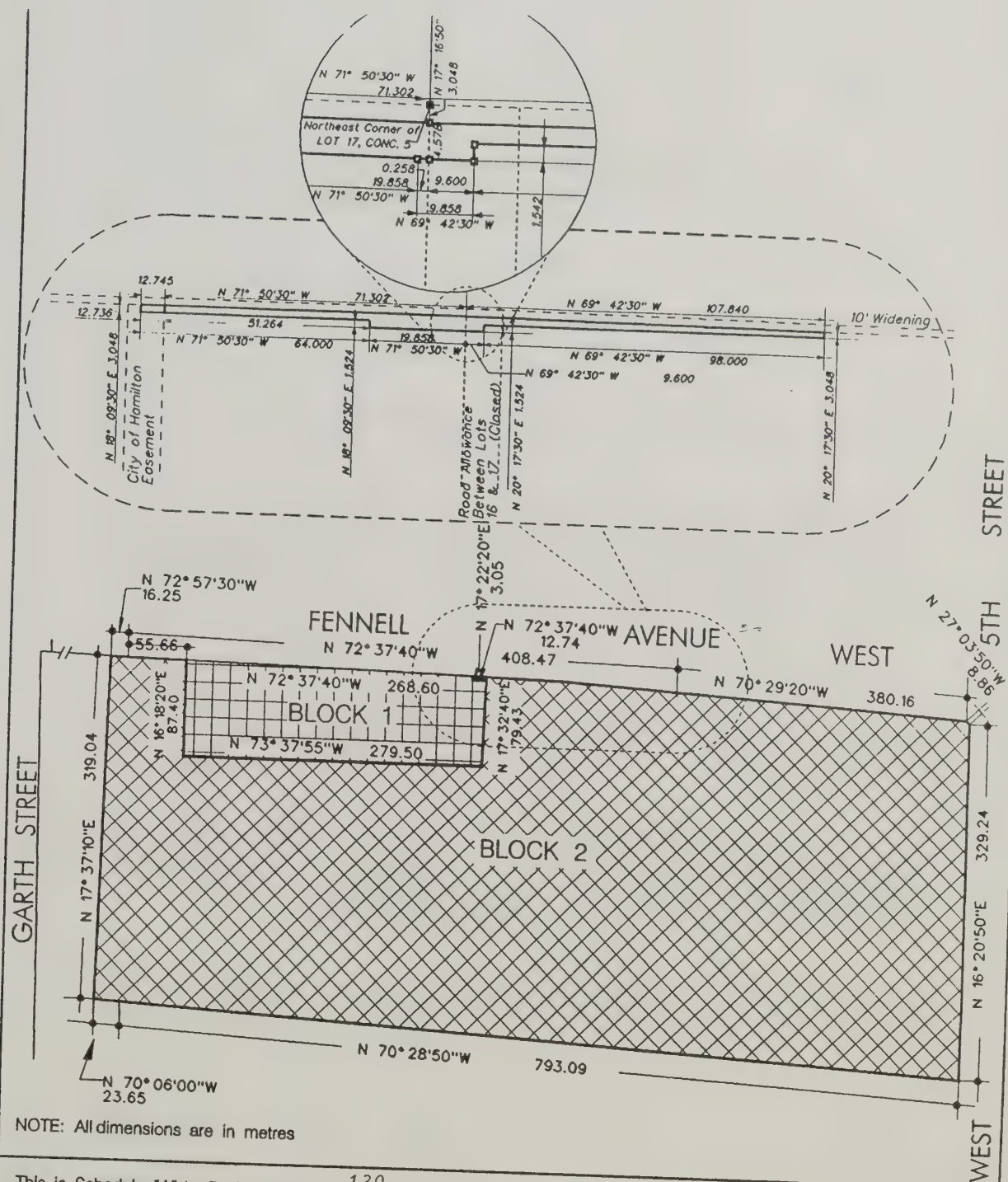
PASSED this 28th day of April

A.D. 1998


CITY CLERK




MAYOR



[Signature]
 Clerk

[Signature]
 Mayor

City of Hamilton

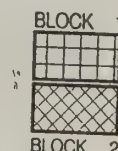
Schedule "A"

Map Forming Part of
 By-Law No. 98-130

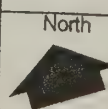
to Amend By-Law No. 6593

Planning and Development Department

Legend



Proposed modification to the established "B" (Suburban Agriculture and Residential, etc.) District.



Scale
 NOT TO SCALE
 Date
 MARCH 1998

Reference File No.
 ZAC-97-28
 Drawn By
 B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 131

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 135 FENNEL AVENUE WEST

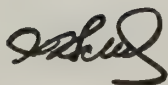
WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November~~2~~¹, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 172. Land located at Municipal No. 135 Fennell Avenue West, shown on Appendix 172 hereto annexed and forming part of this by-law.
2. Appendix 172 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 28th day of April A.D. 1998

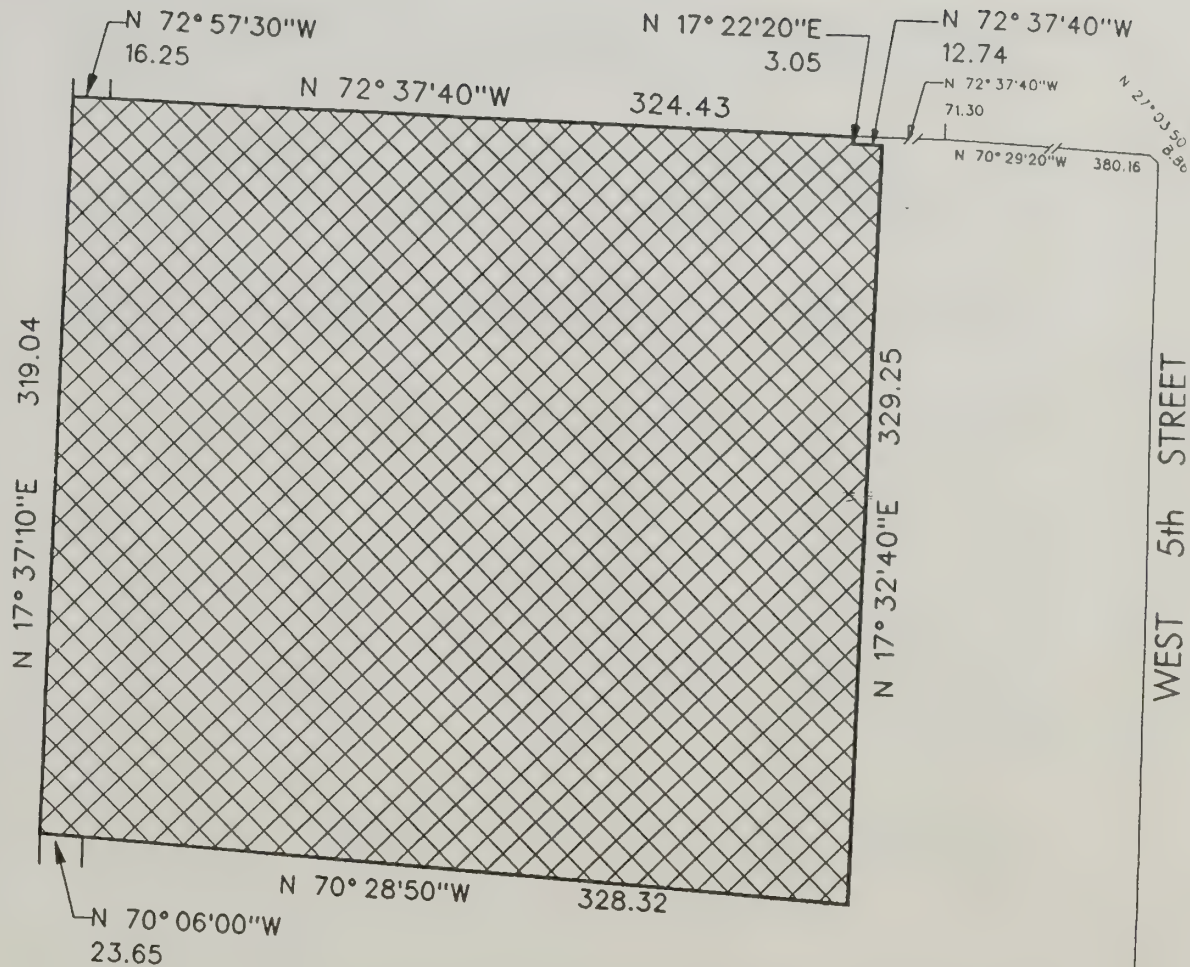


CITY CLERK



MAYOR

FENNELL AVENUE WEST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-131
Passed the 28th day of April, 1998.


Clerk


Mayor

City of Hamilton

Appendix 172

to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North



Scale
NOT TO SCALE

Date
MARCH 1998

Reference File No.
ZAC-97-28

Drawn By
B. B.

BY-LAW NO. 98 - 132

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 28th DAY OF APRIL, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

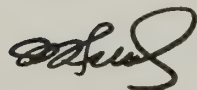
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

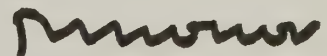
1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 28th day of April

1998



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98- 133

To Amend:

By-law No. 98-080

Respecting:

THE SALE OF A PORTION OF HIXON STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-080 on the 10th day of March 1998 to authorize the sale to The Regional Municipality of Hamilton-Wentworth of several closed highways specified therein, including a portion of Hixon Street;

AND WHEREAS By-law No. 98-080 recites that the portion of Hixon Street described therein was a highway closed by By-law No. 73-237, registered as Instrument Number 304001 AB;

AND WHEREAS an inspection of By-law No. 73-237 discloses that the said portion of Hixon Street was only closed to vehicular traffic and that this highway was not, in fact, a closed highway;

AND WHEREAS it is desirable therefore to amend By-law No. 98-080 by deleting from the highways authorized to be sold to the Region the said portion of Hixon Street.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Section 1 of By-law No. 98-080 is amended by deleting from the list of closed highways to be sold to the Region, that portion of the highway known as Hixon Street, being the third highway described in said section 1 as follows:

"Part of Part 4, Plan 62R-11340, being part of the Original road allowance between Concessions 3 & 4, in the geographic township of Saltfleet as closed by By-law No. 73-237, registered as Instrument No. 304001 AB, other than the portion thereof shown on the attached sketch, at the sale price of \$2,714.41."

- (b) The sketch attached to By-law No. 98-080 and referred to in the said description of Hixon Street in Section 1 of the By-law is also deleted from By-law No. 98-080.

2. By-law No. 98-080, except as amended herein, is hereby confirmed.

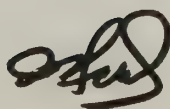
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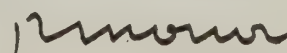
day of

May

A.D. 1998



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 134

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Dalewood	West	Traymore to Arnold	2 hr	8 am - 6 pm	Mon - Fri
Dalewood	West	Arnold to King	1 hr	8 am - 6 pm	Mon - Fri
King	South	South Branch, commencing 122 feet west of Catharine and extending 104 feet westerly therefrom	30min (24 hrs)	8 am - 8 am	Mon - Sun."

and by deleting therefrom the following item, namely:-

"Dalewood	West	Traymore to King	1 hr	8 am - 6 pm	Mon - Fri."
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2. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Burlington	South	commencing 103 feet east of Catharine and extending 52 feet easterly therefrom	8 am - 6 pm	Mon - Sat
Corsica	East	Bonaparte to the south property line of No. 10 Corsica	8 am - 5 pm	Mon - Fri
Woodman	West	Queenston to Secord	7 am - 6 pm	Mon - Fri
John	South	St. Josephs to Rockwood		Anytime
Woodman	West	commencing 191 feet north of Secord and extending 100 feet northerly therefrom		Anytime
Vine	North	commencing 57 feet east of MacNab and extending 43 feet easterly therefrom		Anytime

Frid	West	Chatham to 351 feet northerly	Anytime
Frid	West	commencing 449 feet north of Chatham and extending 214 feet northerly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

"Burlington	South	commencing at a point 115 feet east of Catharine to a point 40 feet easterly	8 am - 6 pm Mon - Sat
Woodman	West	Queenston to Secord	7 am - 6 pm Mon - Sat
Corsica	East	Bonaparte Way to the south property line of No. 10 Corsica	Anytime
Frid	West	Chatham to 169 feet north	Anytime
Frid	West	from 120 ft. north of Chatham to 240 ft. north of Chatham	Anytime."

3. That **Schedule 34 (Permit Parking)** of said By-law is hereby amended by adding thereto the following item, namely:-

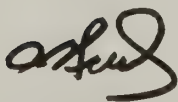
"Somerset	South	commencing 294 feet west of Barnesdale and extending 19 feet westerly therefrom	Anytime."
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and by deleting therefrom the following items, namely:-

"Campbell	North	commencing 64 feet east of Carlisle and extending 24 feet easterly therefrom	Anytime
Campbell	South	commencing 44 feet east of the east curb line of Carlisle and extending 16 feet easterly therefrom	Anytime
East 24th	East	commencing at a point 240 feet south of Crockett to a point 26 feet southerly therefrom	Anytime
Keith	North	commencing 116 feet east of Emerald and extending 18 feet easterly therefrom	Anytime."

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this 12th day of May 1998.



CITY CLERK




MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 135

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Section 1** of said By-law, as amended, is hereby further amended by adding thereto the following sub-section:-

"(sa) "treasurer" means the Treasurer for the City of Hamilton;"

and by deleting therefrom sub-section (da), in its entirety, and by inserting in its place the following sub-section:-

"(da) "commissioner of transportation" means the Commissioner of Transportation for the Regional Municipality of Hamilton-Wentworth;"

and by deleting therefrom subsection (s), in its entirety, and by inserting in its place the following sub-section:-

"(s) "commissioner of public works and traffic" means the Commissioner of Public Works and Traffic of the City of Hamilton;"

2. That **Sections 5, 28, 33a, 34, 34b, and 41b** of said By-law are hereby amended by deleting therefrom the phrase "director of traffic services", and by inserting in its place the phrase "commissioner of public works and traffic".
3. That **Sections 7 and 8** of said By-law are hereby amended by deleting therefrom the phrase "commissioner of engineering", and by inserting in its place the phrase "commissioner of transportation".
4. That **sub-section (6)(b) of Section 7** of said By-law is hereby amended by deleting therefrom the phrase "Commissioner of Transportation and Environmental Services", and by inserting in its place the phrase "commissioner of transportation".

5. That **Section 27** of said By-law is hereby amended by deleting therefrom sub-section (19), in its entirety, and by inserting in its place the following sub-section:-

"(19) Display of Disabled Person Parking Permit.

- (a) No person shall display, or permit to be displayed, in or upon any vehicle, a permit or marker issued by the Ministry of Transportation indicating that the vehicle is operated by, or employed in the service of, a disabled person, at any time when the vehicle is not being operated by, or employed in the service of, a disabled person.
- (b) No person shall display, make use of, present or otherwise utilize a permit issued by the Ministry of Transportation indicating that the permit holder is disabled, except the person to whom the permit is issued.
- (c) No person shall display, make use of, present, or otherwise employ any permit, document, or thing which resembles or which may be mistaken for a Disabled Person Parking Permit issued by the Ministry of Transportation, but which is not the aforesaid permit, at any time when, or under any circumstances where, such display, use, presentation, or employment might elicit or cause to be conferred any benefit or exemption under the provisions of this by-law."

6. That **sub-section 1** of **Section 28** of said By-law is hereby amended by redesignating paragraph (c), respecting the meaning of "parking meter", as paragraph (d), and by adding to the aforesaid sub-section the following paragraph:-

"(c) "two dollar coin" means a two hundred cent coin of lawful money of Canada;"

7. That **sub-section 5** of **Section 28**, and **sub-section (e)** of **Section 34a**, of said By-law are hereby amended by deleting therefrom the phrase "physically handicapped" and by inserting in its place the term "disabled".

8. That **Schedule 24 (Parking Meter Locations)** of said By-law is hereby amended by deleting therefrom **Part 5** in its entirety, and by inserting in its place the following Part, namely:-

"5. Fifteen Minute Limit, on the following streets and parts of streets, excepting such parts of the same where parking and stopping is prohibited.

(a) At the rate of fifty cents per hour.

(b) At the rate of one dollar per hour.

Hunter	North	Hughson to 93 feet westerly
Hunter	North	Hughson to 110 feet easterly
Main	North	1st west of Newton
Park	West	1st south of York
Park	East	1st and 2nd south of York

Stirton	West	Barton to 148 feet southerly
Jackson	North	Bay to 130 feet westerly
Alley east from Hughson, north of Main	South	Hughson to easterly end
Vine	South	1st west of MacNab."

and by deleting from **Part 4(b)** thereof the following item, namely:-

"Vine South James to MacNab"

9. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"East 31st	Both	From 121 feet south of Concession to Crockett	1 hr	7 am - 4 pm	Mon - Fri
Park	West	Merrick to Cannon	1 hr	8 am - 6 pm	Mon - Sat."

and by deleting therefrom the following items, namely:-

"Herkimer	South	From 60' east of Caroline to 54' easterly	1 hr	8 am - 6 pm	Mon - Sat
East 31st	East	commencing 121 feet south of Concession to Crockett	1 hr	7 am - 4 pm	Mon - Fri."

10. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Bendamere	Both	West 31st to West 32nd	8 am - 4 pm	Mon - Fri
Genesee	North	commencing 135 feet west Upper James and extending to West 2nd		Anytime
Jackson	South	City Hall Car Park to MacNab		Anytime
Jackson	South	James to Wellington		Anytime
Vine	North	MacNab to Park		Anytime."

and by deleting therefrom the following items, namely:-

"Aberdeen	North	Dundurn to Queen	7 am - 6 pm	Mon - Sat
Aberdeen	South	Mountain to Locke		Anytime
Bendamere	Both	West 31st to West 32	8 am - 4 pm	Mon - Sat
Tom	North	Breadalbane to west end		Anytime

Genesee	North	Upper James to West 2nd	Anytime
Jackson	South	Entrance to City Hall to Wellington	Anytime
Jackson	North	Catharine to 45 feet east	Anytime
Walnut	West	Main to King	Anytime
Vine	South	James to 96 ft. west	Anytime
Vine	South	MacNab to 65 ft. east	Anytime
Park	West	York to Vine	Anytime
Elgin	West	Cannon to 102 ft. south	Anytime
MacNab	East	Vine to Merrick	Anytime
MacNab	East	Vine to 80 ft. south	Anytime."

and by deleting from **Part (A)** thereof the following items, namely:-

"MacNab	West	151 ft.	90 ft. north of York (D)
MacNab	West	166 ft.	75 ft. north of York."

11. That **Schedule 27 (Alternate Side Parking)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Emerald Street South	West	East."
Stinson Street to Hunter Street East		

and deleting therefrom the following items, namely:-

"Lorne Avenue	West	East
Cumberland Avenue to Afton Avenue		
Emerald Street South	West	East."
Stinson Street to Main Street East		

12. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following item, namely:-

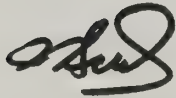
"Sanford	West	commencing 147 feet north of Barton and extending 160 feet northerly therefrom	Anytime."
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and by deleting therefrom the following item, namely:-

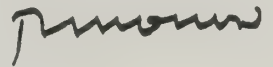
"Sanford	West	commencing 147 feet north of Barton and extending 227 feet northerly therefrom	Anytime."
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13. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
14. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 12th day of May 1998.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 136

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following item, namely:-

"King William	North	commencing 129 feet west of Ferguson and extending 98 feet westerly therefrom	Anytime."
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and by deleting therefrom the following item, namely:-

"King William	South	Catharine to Wellington	4-6 p.m.	Mon - Fri."
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2. That **Schedule 30 (Commercial Vehicle Loading Zones)** of said By-law is hereby amended by adding thereto the following item, namely:-

"King	South	29 ft.	South Branch - 93 ft. west of Catharine	Anytime."
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3. That **Schedule 31 (School Bus Loading Zone)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Brigade	East	100 feet	145 feet north of Byng	7:00 a.m. - 6:00 p.m. Monday to Saturday."
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and by deleting therefrom the following item, namely:-

"Brigade	East	40 feet	205 feet north of Byng	7:00 a.m. - 6:00 p.m. Monday to Saturday."
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4. That **Schedule 35 (Wheelchair Loading Zones)** of said By-law is hereby amended by adding thereto the following item, namely:-

"King William South 33 feet 190 feet west of Ferguson Anytime."

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this 12th day of May 1998.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 137

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of said By-law, as amended, is hereby further amended by adding thereto the following items, namely:-

"West 16th	Northbound	Sanatorium
Briarwood	Southbound	Sanatorium."

and by deleting therefrom the following item namely:-

"West 16th	Northbound and Southbound	Sanatorium."
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2. That **Schedule 28 (Taxi Stands)** of said By-law is hereby amended by deleting therefrom the following item, namely:-

"MacNab	West 36 ft.	75 ft. north of York	Anytime."
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3. That **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Greenhill	South commencing 102 feet west of the west curb line of Kimberly and extending 79 feet east of the east curb line of Kimberly	Anytime
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Jackson	North MacNab to John	Anytime
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Jackson	North Catharine to 36 feet easterly	Anytime
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Rebecca	North Catharine to a point 48 feet easterly	Anytime."
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and by deleting therefrom the following items, namely:-

"Greenhill	South	commencing 120 feet west of the west curb line of Kimberly and extending 79 feet east of the east curb line of Kimberly	Anytime
Rebecca	North	from a point 33 feet west of Mary to Catharine	Anytime
Jackson	North	City Hall to John	Anytime
Jackson	South	MacNab to James	4 - 6 p.m. Mon - Fri
Walnut	West	From 73 ft. south of King to 64 ft. southerly	4 - 6 p.m. Mon - Fri."

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 12th day of May 1998.



CITY CLERK



MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 98- 138

To Extend By-law No. 97-032
as Amended By By-law No. 97-103

Respecting:

**LAND WITHIN THE "WISEMOUNT ESTATES, PHASE 7"
SUBDIVISION (62M-794)
PLAN 62R-13901**

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part,
as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-032 on February 24, 1997 to remove the lands described in section 1 thereof from part lot control, which expired on June 1, 1997;

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-103 on May 13, 1997 to extend the time period described in Section 2(c) of By-law 97-032;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 97-032, as amended by By-law No. 97-103, as it relates to Lots 5, 6 and 7 only;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 97-032, as amended by By-law No. 97-103, is hereby repealed and the following substituted therefor:

"(c) Other than Lots 5, 6, and 7, this By-law shall no longer be of any force and effect. As it relates to Lots 5, 6 and 7, this By-law shall expire on June 1, 1999."

2. Section 1. of By-law No. 97-032, as amended by By-law No. 97-103, is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:

Lots 5, 6 and 7, within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 97-032, as amended by By-law No. 97-103 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 97-032.

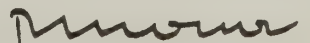
PASSED this 12th day of

May

A.D. 1998.



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98- 139

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-law No. 98-128

Respecting:

LAND LOCATED AT MUNICIPAL NO. 243 FENNELL AVENUE EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 7th Report of the Planning and Development Committee at its meeting held on the 14th day of April 1998, authorized that Zoning By-law No. 6593 be amended to change the zoning from "C" (Urban Protected Residential, etc.) District to "RT-20 - 'H'" (Townhouse - Maisonette - Holding) District and to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 11 of the 8th Report of the Planning and Development Committee at its meeting held on the 28th day of April 1998, amended the said April 14, 1998 resolution by deleting from the proposed "RT-20-'H'" (Townhouse - Maisonette- Holding) District the 'H' holding provision;

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 98-128 on the 28th day of April 1998 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "RT-20" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS it is necessary to repeal By-law No. 98-128 and to replace the said by-law as hereinafter provided due to an inadvertent typographical reference to the holding symbol 'H' in By-law No. 98-128, which pursuant to the April 28, 1998 resolution is not required;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-16 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to the land comprised in Block 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 2. (2) A.(viib) and 10E.(7) of Zoning By-law No. 6593, only one townhouse dwelling having not less than two single family dwelling units and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted;
- (b) notwithstanding Section 10E.(4)(a) of Zoning By-law No. 6593, for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,
- (c) notwithstanding Section 10E.(17)(a) of Zoning By-law No. 6593, for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row.

3. The "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to the land comprised in Block 2, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10E.(7) of Zoning By-law No. 6593, only townhouse dwellings having a maximum total of ten single family dwelling units shall be permitted; and,
- (b) notwithstanding Section 10E.(17)(a) of Zoning By-law No. 6593, for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row.

4. No pedestrian or vehicular access shall be permitted from East Eleventh Street.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-20" District, subject to the special requirements referred to in sections 2 and 3.

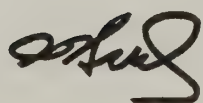
6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1400.

7. Sheet No. E-16 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1400.

8. By-law No. 98-128, passed on the 28th day of April 1998, is hereby repealed in its entirety.

9. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 12th day of May A.D. 1998

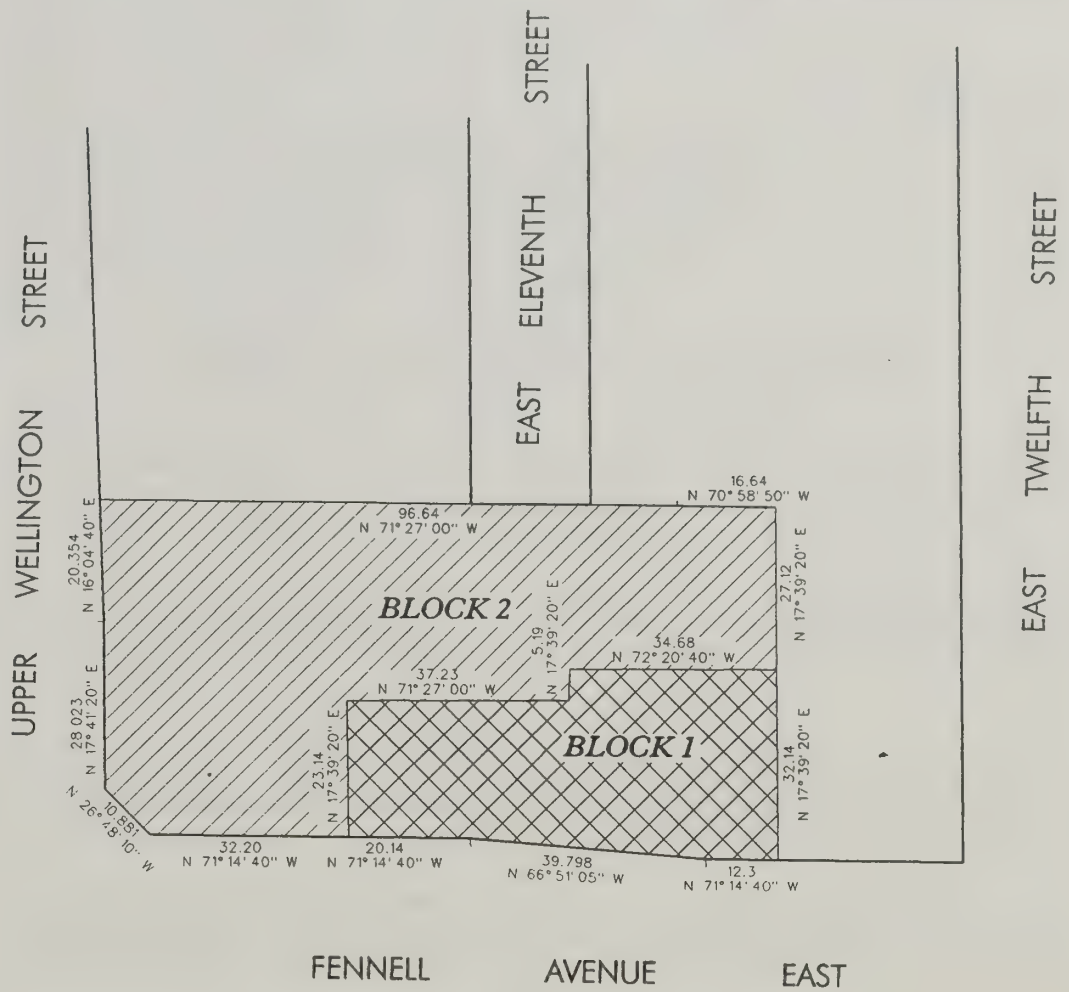


CITY CLERK




MAYOR

(1998) 7 R.P.D.C. 1, April 14
 (1998) 8 R.P.D.C. 11, April 28
 1215443 Ontario Inc.
 (Ontario Pride Construction/
 Michael Bobiash), Owner
 Amended ZAC-98-03



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-139
Passed the 12th day of May, 1998.

[Signature]
Clerk

[Signature]
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-139
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning From:

- BLK 1 "C" (Urban Protected Residential, etc.)
District to "RT-20" (Townhouse -
Maisonette) District, Modified.
- BLK 2 "C" (Urban Protected Residential, etc.)
District to "RT-20" (Townhouse -
Maisonette) District, Modified.

North



Scale
Not to Scale

Date
APRIL 1998

Reference File No.
ZAC-98-03

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 140

Respecting:

SMOKING IN PUBLIC PLACES AND THE WORKPLACE

WHEREAS it has been determined that the presence of environmental tobacco smoke, which is also referred to as "second-hand smoke", in public places and workplaces is a health hazard and a discomfort for persons within the municipality;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health and well-being of persons, especially children, within the municipality to ensure that all public places and workplaces will be entirely free of environmental tobacco smoke at the soonest reasonable time;

AND WHEREAS subsection 213(2) of the Municipal Act authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and workplaces in the municipality and designating public places or workplaces, or classes or parts of such places, as places in which smoking tobacco or holding lighted tobacco is prohibited;

AND WHEREAS it is considered equitable for the proprietors of public places and workplaces within the local municipalities which comprise the Regional area, that the provisions of the by-laws regulating the smoking of tobacco be as consistent as possible;

AND WHEREAS Council, on 1998 March 31, in adopting Section 6 of the Ninth Report for 1998 of the Finance and Administration Committee authorized this By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

PART I: DEFINITIONS

1. In this by-law, the following definitions will apply:

"billiard hall" means premises at which facilities are made available to members of the public for rental to play the game of billiards or games of a similar nature;

"bingo hall" means premises that are used for the purpose of holding bingo lotteries licensed under the authority of an order-in-council of the Province of Ontario and the Gaming Control Act, S.O. 1992, c.24;

"bowling establishment" means premises at which lanes are made available to members of the public for rental to play the game of bowling;

"common area" means that portion of any building or structure including a commercial or retail establishment, residential condominium or multiple dwelling unit apartment building, to which the public or residents may have access, whether as of right or by invitation, express or implied and includes but is not limited to, a reception area for receiving or greeting customers, clients, patients, guests or other persons, elevators, escalators, hallways, stairwells, foyers, lobbies, laundry rooms, lunch rooms, and amenity areas;

"designated smoking area" means an area that is fully enclosed within a public place or workplace, that is located so that members of the public are not required to go through such area in order to gain access to a common area or public washroom that is equipped with a ventilation system that exhausts air directly to the exterior at a rate of fifteen (15) litres per second per person, and supplies tempered air at a rate which is more than ninety (90) per cent of the exhaust air rate, and that is:

- (a) not more than fifty (50) per cent of the indoor seating area of a billiard hall, bingo hall, bowling establishment, gaming centre, public hall or restaurant;
- (b) not more than twenty-five (25) per cent of the indoor floor area of a workplace, but does not include a smoking area referred to in sections 4, 5 or 6, of this By-law;

"employee" means a person who performs any work for or supplies any service to an employer, or a person who receives any instructions or training in the activity, business, work, trade, occupation, or profession of any employer and includes a volunteer;

"employer" means any person who as the owner, manager, contractor, superintendent or overseer of any activity, business, work, trade occupation or profession has control over or direction of, or is directly or indirectly responsible for the employment of, a person in it;

"gaming centre" means premises at which machines or contrivances are made available to members of the public for rental to play games of skill or chance, or a combination of skill and chance, for the purpose of entertainment;

"indoor seating area" means that portion of a billiard hall, bingo hall, bowling establishment, gaming centre, public hall or restaurant, that is normally open to the public, and that contains fixed or non-fixed seating, and includes dance floors, but excludes common areas, washrooms, kitchens, coat-rooms, and storage areas;

"proprietor" means a person who controls, governs, or directs the activities carried on within a public place or workplace, and includes the person actually in charge of such activities;

"public hall" means a building which is available to members of the public for the purpose of a personal or private assemblage of persons, upon payment of a fee;

"public place" means:

- (a) any building or structure or part thereof whether privately or publicly owned that is open to the public, whether or not a fee is charged for entry, and includes but is not limited to, a building, structure or portion thereof for the gathering of persons for the purposes of education, worship, business, recreation, entertainment or amusement, and includes without limiting the generality of the foregoing, common areas, restaurants, banquet halls, patios, food courts, shelters, child care facilities, recreation centres, gaming centres, bingo halls, bowling establishments, billiard halls, sports facilities, arenas whether covered by roof or not, retail stores, shopping malls, commercial establishments, office buildings, educational, financial, religious and government institutions or facilities, cinemas, theatres, concert halls or other places that are normally open to clients, customers, patients, students, guests, residents, patrons or other members of the public;
- (b) transit shelters;

- (c) public transit vehicles;
- (d) public washrooms.

"**public transit vehicle**" means any vehicle used for transporting the public and includes buses, including school buses and taxicabs;

"**restaurant**" means a building or portion of a building used for the sale and service of food or drink or both food and drink to the public for consumption on the premises, and includes a take-out service incidental to such restaurant, an area for children's play equipment, pinball or other mechanical or electronic game machines, or dedicated to other recreational activities, but excludes the portion of a building which is used as a food court or indoor patio, or which is not contiguous to the area from which food or drink is sold and served;

"**smoke or smoking**" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment but does not include smoking where smoking is an element of a stage production or theatrical performance;

"**workplace**" means a building or part of a building in which one or more employees work, including employee eating and lounge areas and any vehicle or other conveyance in which an employee works, but does not include a billiard hall, bingo hall, bowling establishment, gaming centre or public hall, or common area.

PART II: REGULATED SMOKING AREAS

2. (1) No person shall smoke in a public place or workplace.
- (2) Notwithstanding subsection (1), a person may smoke in a designated smoking area established under this by-law.
3. The proprietor of a billiard hall, bingo hall, bowling establishment, gaming centre, public hall, or restaurant may establish a designated smoking area within the premises under his or her control, at any time after this By-law comes into force.
4. Notwithstanding subsection 2(1), the proprietor of a billiard hall, bingo hall, bowling establishment, gaming centre or public hall that does not have a designated smoking area, may establish a smoking area that is capable of being readily identified and that is not more than fifty (50) per cent of the indoor seating area of the establishment.
5. (1) Notwithstanding subsection 2(1), the proprietor of a restaurant that is fully enclosed from any adjoining common area, and that does not have a designated smoking area may establish a smoking area, that is capable of being readily identified in accordance with the following table:

<u>Size of Indoor Seating Area</u>	<u>Maximum Size of Smoking Area</u>
A. one hundred (100) square metres or less	the lesser of: 1. ten (10) square metres of contiguous indoor seating area; and,

2. twenty-five (25) per cent of contiguous indoor seating area

B. more than one hundred (100) square metres ten (10) per cent of contiguous indoor seating area.

(2) This section is repealed on May 31, 2000.

6. Notwithstanding subsection 2(1), the proprietor of a restaurant that is fully enclosed from any adjoining common area, and does not have a designated smoking area may establish a smoking area that is capable of being readily identified and that is not more than seventy-five (75) per cent of the indoor seating area of the establishment, provided that:
- (a) the proprietor holds a licence issued under the Liquor Licence Act which prohibits the entry of persons under nineteen (19) years of age at the premises to which the licence applies; or,
 - (b) the proprietor has filed a house policy with the Liquor Licence Board of Ontario, under subsection 41(6) of Regulation 719 under the Liquor Licence Act.

PART III: PROPRIETORS' DUTIES AND SIGNS

- 7. (1) Every proprietor shall ensure that "no smoking" signs are conspicuously posted so that the signs are clearly visible in all areas where smoking is prohibited under this by-law.
- (2) Every proprietor shall ensure that health warning signs are conspicuously posted so that the signs are clearly visible from all parts of the place where smoking is permitted under this by-law.
- 8. (1) Where smoking is prohibited under this by-law, a proprietor shall inform any person who is smoking in a prohibited area that smoking in that area is prohibited.
- (2) No proprietor shall permit a person to smoke in a place where smoking is prohibited under this by-law.
- 9. (1) Every employer shall inform each employee in a workplace that smoking is prohibited in the workplace within seven (7) days after the day on which this by-law comes into force.
- (2) Where an employer has established a designated smoking area, the employer shall inform each employee in a workplace that smoking is prohibited in the workplace, except in the designated smoking area, within seven (7) days after the day on which the designated smoking area is established.
- 10. Every proprietor shall ensure that ashtrays and other paraphernalia used in connection with smoking are not present in areas where smoking is prohibited under this by-law.
- 11. (1) A health warning sign which is required to be posted under this by-law, shall:

- (a) carry the text "Warning! This area contains tobacco smoke, which causes cancer, heart disease, lung disease, and harms children.";
 - (b) display the graphic symbol having the measurements, proportions and characteristics as illustrated in Schedule "A" to this by-law;
 - (c) be printed in English and such other language as the Clerk shall direct.
- (2) A "no smoking" sign which is required to be posted under this by-law shall:
- (a) carry the text "No Smoking" in capital or lower-case letters, or a combination of them;
 - (b) consist of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;
 - (c) have the following letter heights, based on the maximum viewing distance in the area where smoking is prohibited in direct line of sight:

Maximum Viewing Distance (metres)	Letter Height (centimetres)
3.05	2.54
6.09	5.08
12.19	7.62
24.38	10.16
48.77	15.24
73.15	20.32

- (d) include in the text at the bottom of the sign, the words "City of Hamilton By-Law No.98-140 Maximum Penalty \$5,000.00", in letters not less than one hundred and twenty-seven hundredths (1.27) centimetres in height for signs with a letter size of two hundred and fifty-four hundredths (2.54) centimetres, and not less than one-fourth (1/4th) of the height of the letters on all other sizes of signs.
- (3) Notwithstanding, subsection (2) where a proprietor is required to ensure that "no smoking" signs are posted, the graphic symbol prescribed in this subsection may be used to indicate an area where smoking is prohibited:
- (a) the symbol shall include the text "City of Hamilton By-Law No. 98- Maximum Penalty \$5,000.00", in letters and figures at least five per cent (5%) of the diameter of the circle in the symbol, and appropriate symbols such as directional arrows may be added;
 - (b) the symbol shall be on a white background with the circle and the interdictory stroke in red, with a cigarette, letters and figures in black;
 - (c) the diameter of the circle in the symbol shall be not less than the size indicated below, based upon the maximum viewing distance in the area where smoking is prohibited in direct line of sight:

Maximum Viewing Distance (metres)	Diameter of Circle (centimetres)
3.05	10.16
6.09	15.24
12.19	20.32
24.38	30.48
48.77	40.64
73.15	60.96

- (4) Despite the fact that the symbol in subsection (3) is a cigarette, the symbol is deemed to include a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (5) Where an employer prohibits smoking throughout the whole of a workplace. Council may permit that employer to post signs, in a form and size satisfactory to Council, which indicate that the whole of the workplace is smoke-free, and, where permission has been given under this section, subsection 8(1) shall not apply to that workplace so long as smoking continues to be prohibited throughout that workplace and the signs approved under this section continue to be posted in the manner prescribed by subsection 8(1).

PART IV: OFFENCES AND ADMINISTRATION

12. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the Penalties specified by the Provincial Offences Act R.S.O. 1990 Chapter P.33.
13. A proprietor may prohibit smoking in any part of the premises under his or her control where smoking is permitted under this by-law, even though the proprietor is not required to do so under this by-law.
14. (1) This by-law shall be enforced by the Clerks Department of the City of Hamilton.
- (2) A public health inspector employed by the Regional Municipality of Hamilton-Wentworth is appointed as an inspector for the purpose of enforcing the provisions of this by-law.
- (3) No person shall obstruct or hinder an Inspector from making an inspection to determine whether there is compliance with this By-law.

PART V: COMMENCEMENT AND TRANSITION

15. (1) A health warning sign or a "no smoking" sign posted in a public place or workplace under By-laws No. 80-258 or 89-370 that is still in compliance with the applicable by-law, is deemed to be the sign required under this by-law.
- (2) Where an employer has given notice that smoking is prohibited in the workplace, or that smoking is prohibited in the workplace except in designated smoking areas, in accordance with By-law No. 89-370 the employer is deemed to have complied with section 9 of this by-law.

16. This By-Law comes into force on August 1, 1998.
17. By-law No. 80-258 and all the amendments to that By-law and By-law 89-370 are repealed on August 1, 1998.

PASSED this 12th day of May 1998.



CITY CLERK



MAYOR



SCHEDULE "A"

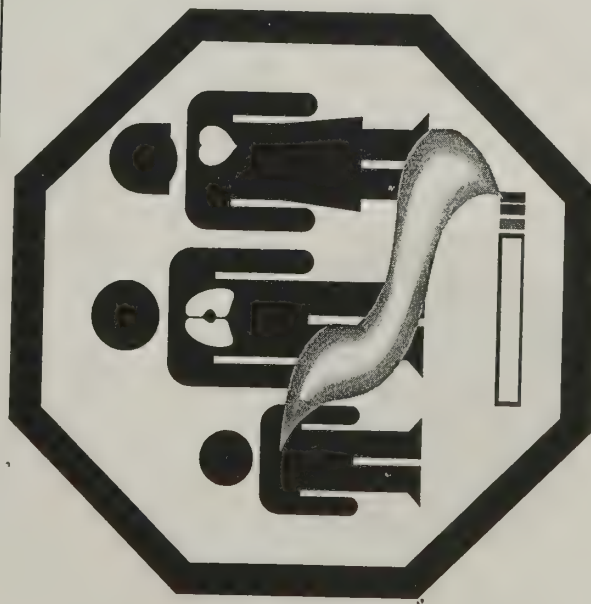
HEALTH WARNING SIGNS

(NOTE: In an actual by-law, this Schedule will commence on a separate page following the body of the by-law.)

Warning

This area contains
tobacco smoke,
which causes
**cancer, heart disease,
lung disease, and
harms children.**

Medical Officer of Health



BY-LAW NO. 98 - 141

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 12th DAY OF
MAY, 1998.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

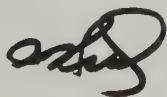
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

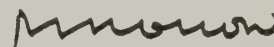
1. The action of The Council of The Corporation of the City of Hamilton* in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 12 day of MAY

A.D. 1998



CITY CLERK



MAYOR



BY-LAW NO. 98 - 142

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 14TH DAY OF MAY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

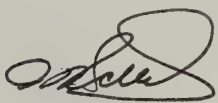
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 14 day of MAY

A.D. 1998



CITY CLERK



MAYOR



BY-LAW NO. 98 - 143

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 14TH DAY OF MAY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

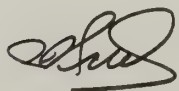
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 14 day of MAY

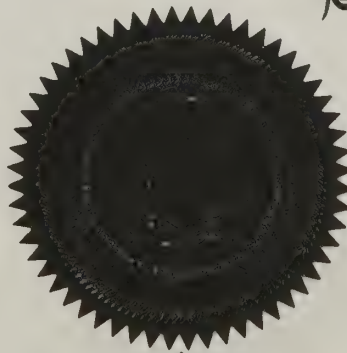
A.D. 1998



CITY CLERK



MAYOR



BY-LAW NO. 98 - 144

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 21ST DAY OF MAY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

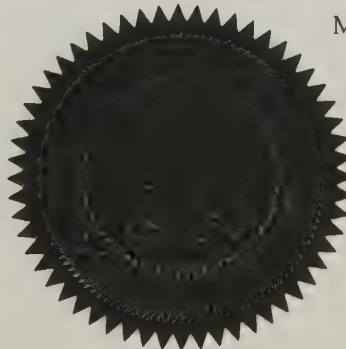
PASSED this 21ST day of MAY A.D. 1998

A. E. Halliwell

Acting CITY CLERK

Robert Mowbray

MAYOR



BY-LAW NO. 98 - 145

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 21ST DAY OF
MAY, 1998.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 21ST day of MAY

A.D. 1998

S. J. Wallouel

Robert Mowbray

Acting CITY CLERK

MAYOR



CAY ON HBL AOK
B9,

Bill No. A-40

The Corporation of the City of Hamilton

BY-LAW NO. 98- 146

To Amend

Cemeteries By-law No. 8861

Respecting:

REVISED TARIFF OF CHARGES

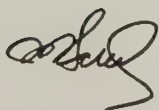
WHEREAS By-law No. 8861, passed on the 12th day of January 1960, in accordance with the Cemeteries Act, established a tariff of charges;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 16 of the 6th Report of the Parks and Recreation Committee on May 12, 1998, directed that By-law No. 8861, as amended, be further amended to provide for an increase in the tariff of charges for 1998.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) By-law No. 8861, as amended by By-laws No. 74-303, 76-187, 76-337, 77-292, 78-276, 79-319, 80-229, 81-219, 83-42, 84-323, 84-268, 86-11, 87-22, 88-40, 88-274, 89-363, 90-16, 90-344, 92-185, 93-019, 93-245, 95-048, 96-005 and By-law No. 96-206 is further amended by deleting Schedule "A-1997" and substituting in lieu thereof Schedule "A-1998", hereto annexed and forming part of this by-law.
- (b) In all other respects, By-law No. 8861, as amended, is hereby confirmed unchanged.
2. The Manager of Cemeteries is hereby authorized and directed to make application to the Minister of Consumer and Commercial Relations, Cemeteries Branch, for approval of this By-law.

PASSED this 26th day of May, 1998.



CITY CLERK



MAYOR

SCHEDULE OF USER FEES AND OTHER REVENUES

Schedule "A"

PUBLIC WORKS - CEMETERIES DIVISION

1997

1998

BURIALS AND REMOVALS
pening and Closing

	Resident & Ready Taxpayers			Non-Residents			Resident & Ready Taxpayers			Non-Residents			% Increase Over 1997
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
- 6 ft Adult	520.00	36.40	556.40	624.00	43.88	667.88	546.00	38.22	584.22	655.00	45.85	700.85	5%
- 8 ft Adult	699.00	48.93	747.93	810.00	56.70	866.70	734.00	51.38	785.38	881.00	61.67	942.67	5%
- 6 ft Child	76.00	5.32	81.32	92.00	6.44	98.44	76.00	5.32	81.32	91.00	6.37	97.37	0%
- case up to 24"	161.00	11.27	172.27	193.00	13.51	206.51	161.00	11.27	172.27	193.00	13.51	206.51	0%
- case 25" to 42"	235.00	16.45	251.45	282.00	19.74	301.74	235.00	16.45	251.45	282.00	19.74	301.74	0%
- case 43" to 60"	306.00	21.42	327.42	368.00	25.62	393.62	306.00	21.42	327.42	367.00	25.69	392.69	0%
- case 61" to 72"	273.00	19.11	292.11	328.00	22.96	350.96	273.00	19.11	292.11	328.00	22.96	350.96	0%
- case up to 60"	327.00	22.89	349.89	392.00	27.44	419.44	327.00	22.89	349.89	392.00	27.44	419.44	0%
- case 61" to 72"	169.00	11.83	180.83	203.00	14.21	217.21	177.00	12.39	189.39	212.00	14.84	226.84	5%
- Cremation	327.00	22.89	349.89	392.00	27.44	419.44	327.00	22.89	349.89	392.00	27.44	419.44	0%
- Cremation	116.00	8.12	124.12	132.00	9.24	141.24	122.00	8.54	130.54	146.00	10.22	156.22	5%
- Columbarium	427.00	29.89	456.89	512.00	35.84	547.84	448.00	31.36	479.36	538.00	37.68	575.68	5%
- Mansion of Memories (Stoney Creek)													

Lowering (Includes Opening, Removal, Lowering, Closing)

- Adult - 6 ft to 8 ft - shell	2,007.00	140.49	2,147.49
- Adult - 6 ft to 8 ft - concrete vault/crypt	1,671.00	116.97	1,787.97
- Child - 6 ft to 8 ft - 5 to 10 years	712.00	49.84	761.84
- Child - 6 ft to 8 ft - under 5 years	597.00	41.79	638.79

Removals

- Adult - Shell	1,826.00	127.82	1,953.82
- Adult - Concrete vault or crypt	1,491.00	104.37	1,595.37
- Child - Shell	631.00	44.17	675.17
- Child - Concrete vault or crypt	516.00	36.12	552.12
- Cremation	189.00	11.83	190.83

- Adult - 6 ft to 8 ft - shell	2,207.00	154.49	2,361.49
- Adult - 6 ft to 8 ft - concrete vault/crypt	1,838.00	128.66	1,966.66
- Child - 6 ft to 8 ft - 5 to 10 years	783.00	54.81	837.81
- Child - 6 ft to 8 ft - under 5 years	657.00	45.99	702.99

- Adult - Shell	2,009.00	140.63	2,149.63
- Adult - Concrete vault or crypt	1,640.00	114.80	1,754.80
- Child - Shell	664.00	48.58	712.58
- Child - Concrete vault or crypt	568.00	39.76	607.76
- Cremation	177.00	12.39	189.39

SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

[illegible]

The Corporation of the City of Hamilton

BY-LAW NO. 98- 147

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 98-061

Respecting:

LAND LOCATED AT MUNICIPAL NO. 21 BRANTDALE AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-061 on the 10th day of February 1998 to rezone Block 1 from "C" (Urban Protected Residential, etc.) District to "R-4" - 'H' (Small Lot Single Family Detached - Holding) District, modified, Block 2 from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified and Block 3 from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, and to establish special requirements with respect to Blocks 1 and 2, the extent and boundaries of each of which Blocks are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS section 2 of By-law No. 98-061 provides that upon the owner submitting a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE for Blocks 1, 2 and 3, the 'H' symbol shall be removed by amendment to By-law No. 98-061;

AND WHEREAS receipt and acknowledgment of the Record of Site Condition by the Region and the Ministry of Environment have been completed;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item of the th Report of the Planning and Development Committee at its meeting held on the 26th day of May, 1998 directed that By-law No. 98-061 be amended to remove the 'H' (Holding) symbol in respect of the subject lands;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 98-061, passed on the 10th day of February, 1998, to Blocks 1, 2 and 3, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 98-061 and forming part thereof, is hereby removed, and the development of the lands may proceed in accordance with the "R-4" (Small Lot Single Family Detached) District, the "C" (Urban Protected Residential, etc.) District, modified and the "C" (Urban Protected Residential, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in sections 3. and 4. of By-law No. 98-061.

2. Sheet No. W-7 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 98-061, is further amended by

changing Block 1 from "R-4" - 'H' (Small Lot Single Family Detached - Holding) District to "R-4" (Small Lot Single Family Detached) District, Block 2 from "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified to "C" (Urban Protected Residential, etc.) District, modified and Block 3 from "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc) District, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

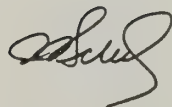
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R-4" District and "C" District provisions, subject to the special requirements referred to in sections 3. and 4. of By-law No. 98-061.

4. By-law No. 6593, as amended by By-law No. 98-061, is further amended by adding this by-law to section 19B as Schedule S-1393a.

5. Sheet No. W-7 of the District Maps, as amended by By-law No. 98-061, is amended by marking the land referred to in section 2. of this by-law, S-1393a.

6. In all other respects, By-law No. 98-061 is hereby confirmed, unchanged.

PASSED this 26th day of May A. D. 1998.


CITY CLERK

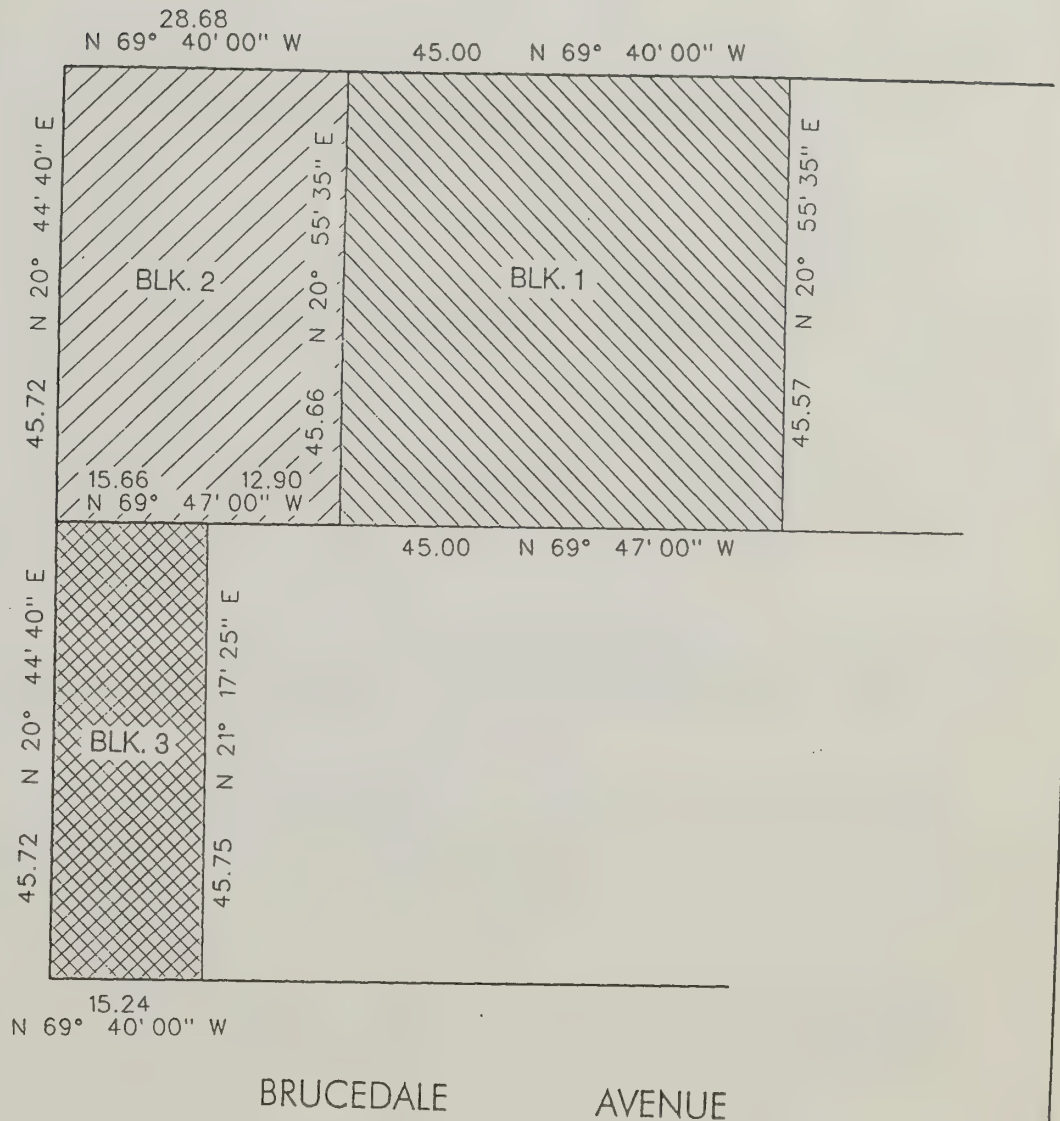



MAYOR

(1998) R.P.D.C. , May 26
1186559 Ontario Inc. (Hai Chaw Wah), owner
ZAR-98-17

BRANTDALE AVENUE

WEST 2ND STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-147
Passed the 26th day of May, 1998.

[Signature]
Clerk

[Signature]
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-147.
to Amend By-Law No. 6593
as Amended by By-Law No. 98-061

Planning and Development Department

Legend

Change in zoning from:

- BLK. 1 "R-4"-H' Small Lot Single Family Detached - Holding) District, Modified to "R-4" (Small Lot Single Family Detached) District, Modified.
- BLK. 2 "C"-H' (Urban Protected Residential, etc. - Holding) District, Modified to "C" (Urban Protected Residential, etc.) District, Modified.
- BLK. 3 "C"-H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District.

North



Scale
Not to Scale

Date
May 1998

Reference File No.
ZAR-98-17

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 148

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-laws No. 76-233; 87-78;
77-148; 77-264 and 80-096

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS. 400 YORK BOULEVARD
AND 16 MAGILL STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 76-233 on the 27th day of July 1976 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E" and "H" Districts, in respect of land adjacent to York Street, the extent and boundaries of which are shown on plans thereto annexed as Schedules "A11" and "A13";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-78 on the 31st day of March 1987 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E" District, in respect of the land located on the north side of York Boulevard between Magill and Crook Streets, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 77-148 on the 1st day of June 1977, as amended by By-law No. 77-264, passed on the 25th day of October 1977 and as amended by By-law No. 80-096, passed on the 25th day of March 1980, to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the land located at 16 Magill Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-11 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "E -'H'" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, the land comprised in Block "1"; and

- (b) by changing from "H" (Community Shopping and Commercial, etc.) District to "G-3 - 'H'" (Public Parking Lots - Holding) District, the land comprised in Block "2",

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbols referred to in section 1 shall be removed after a plan of condominium has been registered on title to the lands known as 400 York Boulevard (Block "1") and 16 Magill Street (Block "2") and these lands have been included in the description and the declaration for the said condominium to the satisfaction of the Director of Planning and Development and the City Solicitor.

(b) The 'H' symbols shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "E" District and "G-3" District provisions, subject to the special requirements contained in Sections 3 and 4 of this by-law.

3. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, as amended By-law No. 87-78, applicable to the lands comprised in Block "1" shown on a plan hereto annexed as Schedule "A", be further modified to include the following variances as special requirements:

- (a) notwithstanding clause 1.(d) of By-law No. 87-78, a maximum gross floor area of 2,991.0 square metres (32,196.0 square feet) and a Multiple Dwelling containing thirty-three (33) Class A dwelling units shall be permitted on the subject lands;
- (b) notwithstanding clause 1.(e) of By-law No. 87-78, not less than 10% of the lot area shall be provided and maintained as landscaped area;
- (c) notwithstanding clause 1.(f) of By-law No. 87-78, a landscaped planting strip having a minimum width of 1.35 metres shall be provided and maintained along each lot line abutting a residential district to the north;
- (d) notwithstanding Section 18A of Zoning By-law No. 6593, eighteen (18) parking spaces shall be provided and maintained for a thirty-three (33) unit Multiple Dwelling;
- (e) notwithstanding Section 18A (1)(c) of Zoning By-law No. 6593, one (1) loading space at 9.0 x 3.0 x 4.3 metres shall be provided and maintained on Block "1" of the subject lands;
- (f) notwithstanding Section 6.(3) of By-law No. 76-233, planters, air conditioners and ornamental iron railings may project not more than 1.5 metres within the front yard.

4. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the lands comprised in Block "2" are amended to the extent only of the special requirements that,

- (a) the lands shall be developed and used for parking purposes only in conjunction with 370 York Boulevard and 400 York Boulevard;

- (b) notwithstanding Section 18A(1)(f) of Zoning By-law No. 6593, a 5.3 metres minimum required manoeuvring space shall be provided and maintained for each parking space.

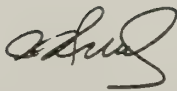
5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District and "G-3" District provisions, subject to the special requirements referred to in sections 3 and 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-481d.

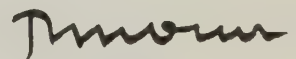
7. Sheet No. W-11 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-481d.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 26th day of May A.D. 1998



CITY CLERK

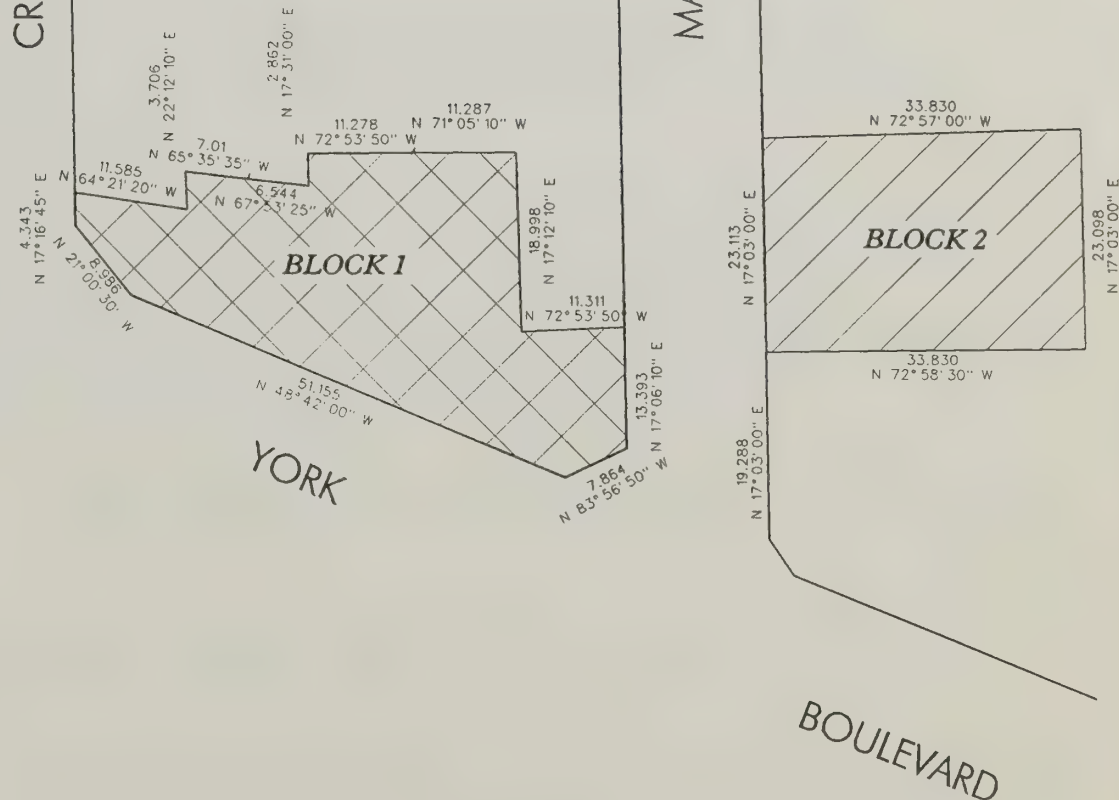


MAYOR

(1998) 8 R.P.D.C. 3, April 28
Luft Enterprises Inc., Owner
ZAC-98-05

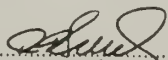
CROOKS STREET

MAGILL STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-148
Passed the 26th day of May, 1998.


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-148.
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning From:



BLK 1

"E" (Multiple Dwellings, Lodges, Clubs etc.) District, Modified to "E" - "H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified.



BLK 2

"H" (Community shopping and Commercial, etc.) District to "G-3" - "H" (Public Parking Lots - Holding) District, Modified.

North



Scale
Not to Scale

Date
MAY 1998

Reference File No.
ZAC-98-05

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 149

To Amend:

By-law No. 87-308

As Amended by By-laws No. 92-079 and 98-118

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT OF
THE BARTON VILLAGE BUSINESS IMPROVEMENT AREA**

WHEREAS By-law No. 87-308, passed on the 10th day of November 1987, provided for a Board of Management of the Improvement Area designated by By-law No. 87-178, passed on the 23rd day of June 1987, known as the "Barton General Business Improvement Area", (now known as the "Barton Village Business Improvement Area"), more particularly described in By-law No. 87-178, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302, (now Section 220(1) and Section 220(6) of the Municipal Act, R.S.O. 1990, Chapter M.45);

AND WHEREAS By-law No. 92-079, passed on the 20th day of March 1992 varied the composition of the Board of Management and provided for an editorial amendment to By-law No. 87-308;

AND WHEREAS By-law No. 98-118, passed on the 14th day of April 1998, varied the composition of the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 5 of the 9th Report of the Planning and Development Committee on the 12th day of May 1998, directed that the composition of the Board of Management be further varied, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" referred to in clause 2.(a) of By-law No. 87-308, as amended, is repealed and the following substituted therefor:

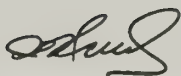
Alderman B. Morelli
Alderman D. Haining
Alderman A. Horwath
Alderman R. Corsini

2. In all other respects, By-law No. 87-308, as amended, is hereby confirmed, unchanged.

PASSED this 26th day of

May

A.D. 1998



CITY CLERK



MAYOR

(1998) 9 R.P.D.C. 5, May 12

The Corporation of the City of Hamilton

BY-LAW NO. 98- 150

To Adopt:

Official Plan Amendment No. 149

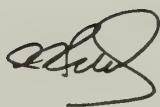
Respecting:

**LANDS LOCATED AT 10 DARTNALL ROAD
WITHIN THE HANNON NORTH NEIGHBOURHOOD**

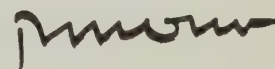
The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 149 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 26th day of May A.D. 1998



CITY CLERK



MAYOR

(1998) 8 R.P.D.C. 1(a), April 28
1023942 Ontario Inc./Country Depot, Owner
ZAC-98-06/10 Dartnall Road

Amendment No. 149

to the

City of Hamilton Official Plan

The following text, together with Schedule "B-3"- Other Special Policy Areas of the Official Plan, attached hereto, constitute Official Plan Amendment No. 149.

Purpose:

The purpose of this Amendment is to establish a Special Policy Area in the East Mountain Industrial Business Park to permit a garden centre and related uses.

Location:

The lands affected by this Amendment are known municipally as No. 10 Dartnall Road, located in the East Mountain Industrial Business Park.

Basis:

The basis for the Special Policy Area is as follows:

- 1) It is compatible with the commercial and industrial uses to the north and south of the property.
- 2) It is suitably located on an arterial road.
- 3) It is similar to other development permitted in the East Mountain Industrial Business Park.

Actual Changes:

1. Schedule "B-3" - OTHER SPECIAL POLICY AREAS of the Official Plan be revised by adding the subject subject lands as Special Policy Area 77, as shown on the attached Schedule "B-3" to this amendment.
2. Subsection A.2.9.3 - Other Policy Areas be revised by adding Policy A.2.9.3.72 which reads as follows:

"Notwithstanding the permitted uses set out in Subsection A.2.3 - INDUSTRIAL USES and Subsection A.2.9.3.9 - OTHER POLICY AREAS, for those lands within the area

shown on Schedule "B-3" as SPECIAL POLICY AREA 77 and known municipally as No. 10 Dartnall Road, a garden centre and related uses shall be permitted.

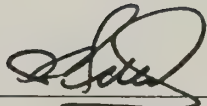
Implementation:

A Zoning By-law Amendment and Site Plan will give effect to the intended use of the subject lands.

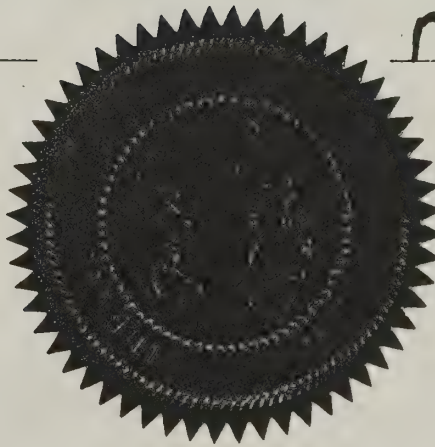
This is Schedule "1" to By-law No. 98- 150 , passed on the 26th day of May , 1998.

The Corporation of the

City of Hamilton



City Clerk



Mayor

schedule B-3
amendment no.149

to the
official plan
for the
city of hamilton

legend

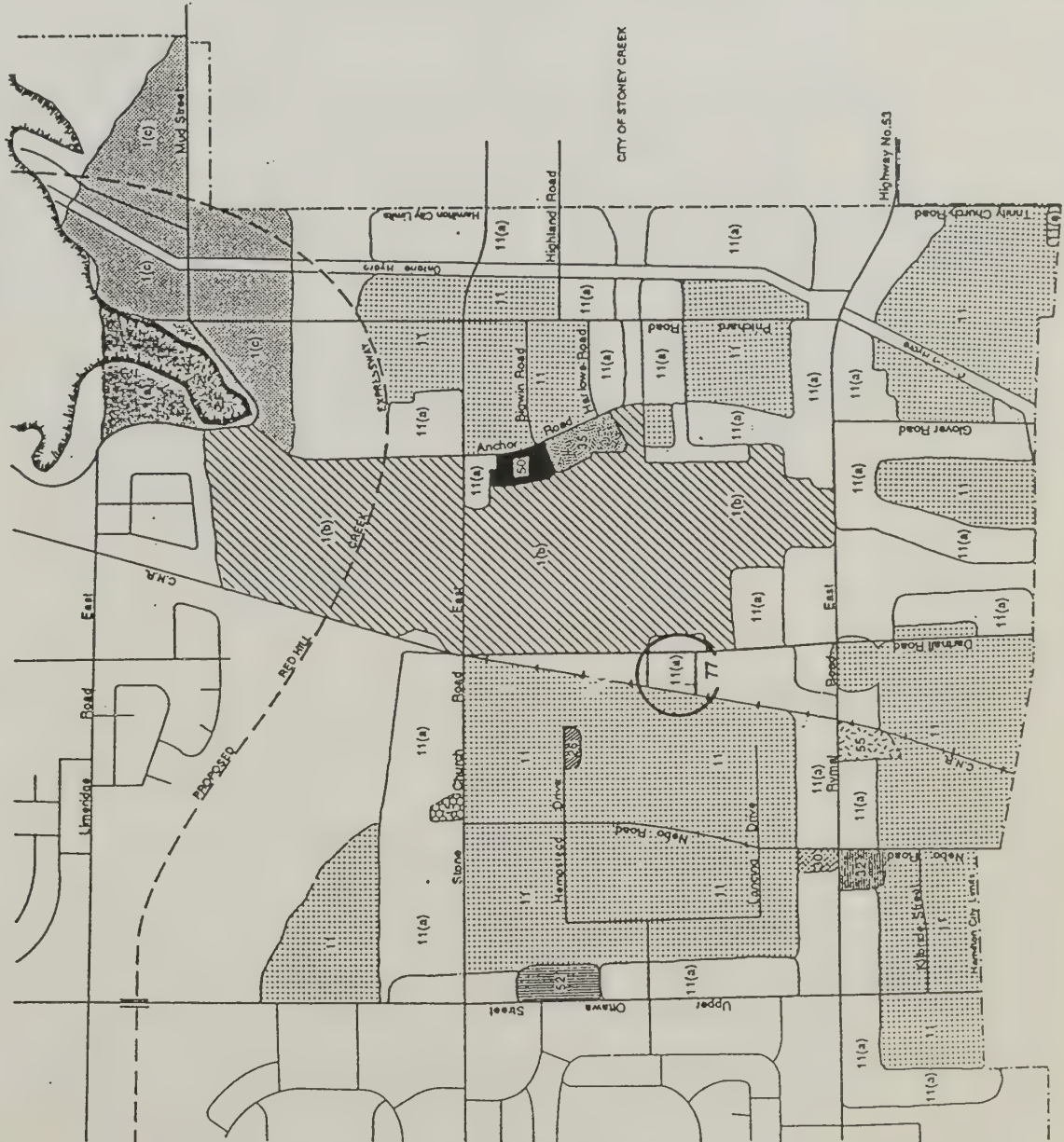


Add Special Policy
Area 77

DATE	DRAWN BY	DATE	APPROVED BY NO.
MAY 1998	P.A.		CPA 144



other Special
Policy Areas



other special
policy areas
(East Mountain Industrial-Business Park)

AREA	REFER TO POLICY
Area 1(a).....	A2.9.1
Area 1(b).....	A2.9.1
Area 1(c).....	A2.9.1
Area 11.....	A2.9.3.9
Area 11(a).....	A2.9.3.9
Area 28.....	A2.9.3.21
Area 30.....	A2.9.3.25
Area 32.....	A2.9.3.27
Area 35.....	A2.9.3.30
Area 45.....	A2.9.3.40
Area 50.....	A2.9.3.45
Area 52.....	A2.9.3.47
Area 55.....	A2.9.3.50
Area 77.....	A2.9.3.72

schedule B-3
to the official plan
for
the City of Hamilton

TOWNSHIP OF GLANBROOK

The Corporation of the City of Hamilton

BY-LAW NO. 98- 151

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 10 DARTNALL ROAD

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 149, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-13" (Prestige Industrial) District provisions, as contained in Section 17E of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 17E.(1)(c) of Zoning By-law No. 6593, the following additional uses shall be permitted;
 - 1. Retail/Wholesale of farm and home supplies; and,
 - 2. Lawn and Garden Centre, excluding open stockpiling of fertilizers, soil and soil conditioners; and,
- (b) the total floor area used for storage inside shall not exceed 48.0% of a building or structure's gross floor area; and,
- (c) notwithstanding Section 17E.(2)(b)(1)(ii) of Zoning By-law No. 6593, the chemical storage shed, existing on the day of passing of this By-law, shall provide a southerly side yard of 4.0 metres minimum; and,
- (d) notwithstanding Section 17E.(2)(h)1. of Zoning By-law No. 6593, outside storage shall be permitted in the non-required front yard, provided that it is screened by a chain link fence not less than 1.5 metres in height and not more than 3.0 metres in height; and,
- (e) notwithstanding Section 17E.(2)(h)(2) of Zoning By-law No. 6593, every side yard or rear yard that is used for outside storage of any

material or any equipment shall be screened from external view by a chain link fence not less than 1.5 metres in height and not more than 3.0 metres in height, and a landscaped area with a planting strip having a width of not less than 1.2 metres along the side and rear lot lines adjacent to the outside storage area shall be provided and maintained; and,

(f) notwithstanding Section 17E.(2)(h)(4) of Zoning By-law No. 6593, the total area used for storage outside of a building or structure shall not exceed 30% of the lot area subject to the following requirements that:

1. Not more than two percent (2.0%) of the total outside storage area is not required to be screened from external view; and,
2. No stockpile of retail/wholesale farm and home, lawn and garden supplies located in the outside storage area shall exceed a height of 4.0 metres; and,

(g) Section 17E.(2)(i) of Zoning By-law No. 6593 shall not apply.

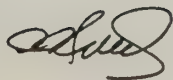
2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-13" (Prestige Industrial) District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1403.

4. Sheet No. E59D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1403.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

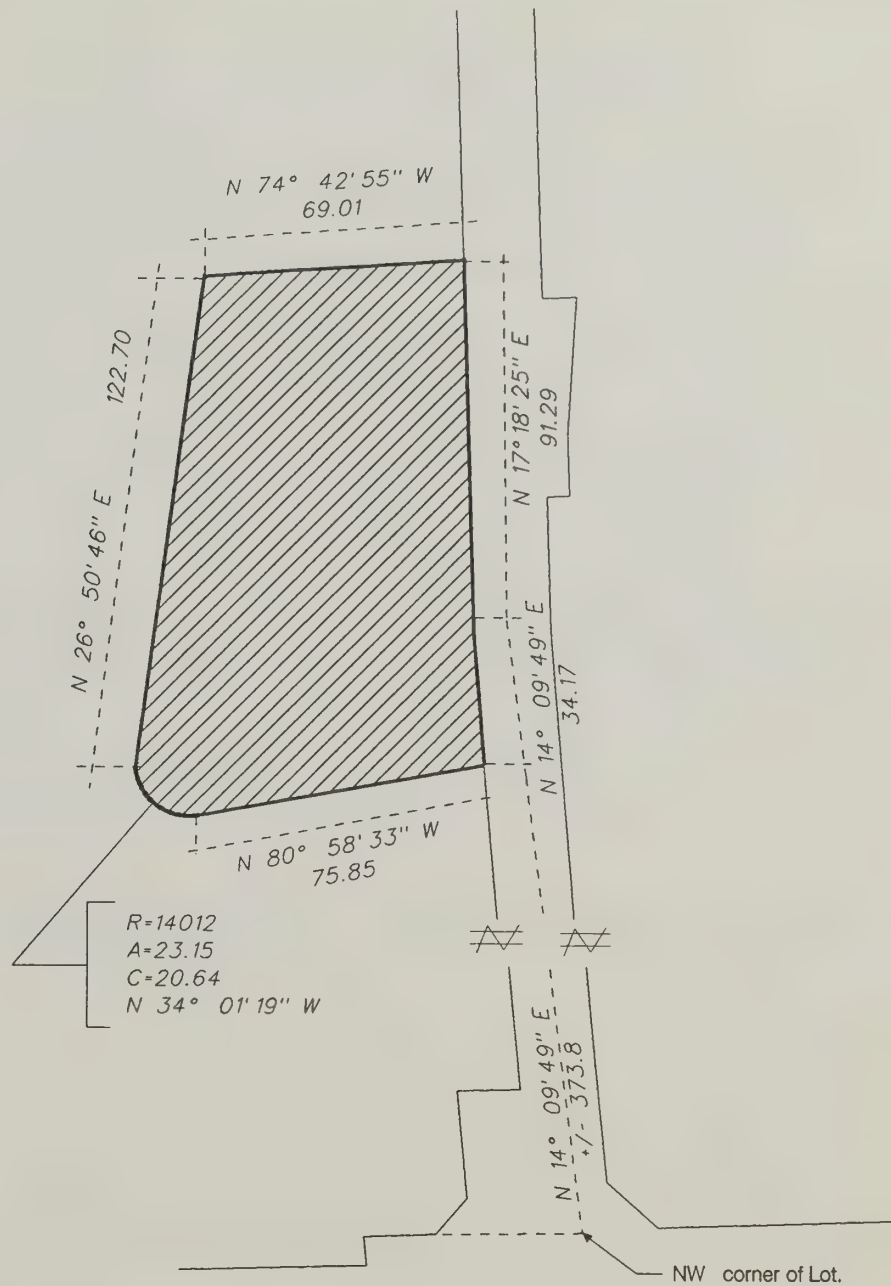
PASSED this 26th day of May A.D. 1998



CITY CLERK

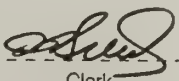



MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-151.....
 Passed the 26th day of May, 1998.


 Clerk


 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 98-151

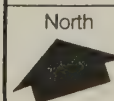
to Amend By-Law No. 6593

Planning and Development Department

Legend



Modification to the established
 "M-13" (Prestige Industrial) District, Modified



North

Scale
 NOT TO SCALE

Date
 May 1998

Reference File No.
 ZAC-98-06

Drawn By
 B. B./J.S

The Corporation of the City of Hamilton

BY-LAW NO. 98- 152

To Amend By-law No. 79-323

As consolidated in By-law No. 93-069

Respecting:

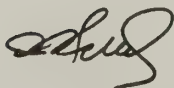
REPEAL OF CARTAGE LICENSING AND FEES

WHEREAS regulation under the Municipal Act, R.S.O. 1990 as amended, has removed the power to licence and regulate cartage businesses and vehicles, and Council deems it expedient to repeal the provisions of By-law No. 79-323 as consolidated in By-law No. 93-069 (The City of Hamilton Licensing Code), respecting cartage vehicle licensing;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That By-law No. 93-069 as amended, is further amended as follows:
 - (1) Schedule 5 is repealed; and
 - (2) Section 5 of Schedule 45 is repealed.
2.
 - (1) This by-law comes into force and effect on the date of enactment.
 - (2) In all other respects By-law No. 93-069 as amended is confirmed without change.

PASSED this 26th day of May A.D. 1998.



City Clerk



Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98- 153

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 26th day of May 1998, A.D.,



CITY CLERK



MAYOR

SCHEDULE "A" to By-law 98-153

EXTENSION AGREEMENTS

- | | | |
|----|---------------------------|-------------------------|
| 1) | PROPERTY ADDRESS | 6 DARTNALL RD. |
| | SERIAL NUMBER | 06 05810 2495 |
| | BRIEF LEGAL DESCRIPTION | CON 8 PART LOT 3 |
| | DATE OF REGISTRATION | AUGUST 18, 1997 |
| | TAX ARREARS CERTIFICATE # | LT465902 |
| | REDEMPTION DATE | AUGUST 18, 1998 |
| | TOTAL ARREARS | \$67,013.51 |
| 2) | PROPERTY ADDRESS | 70 NIAGARA |
| | SERIAL NUMBER | 03 02240 2260 |
| | BRIEF LEGAL DESCRIPTION | PLAN 32 PART LOT 92 |
| | DATE OF REGISTRATION | NOVEMBER 12, 1997 |
| | TAX ARREARS CERTIFICATE # | LT478383 |
| | REDEMPTION DATE | NOVEMBER 12, 1998 |
| | TOTAL ARREARS | \$5,699.02 |
| 3) | PROPERTY ADDRESS | 1420 GARTH ST. #36 |
| | SERIAL NUMBER | 08 10410 7045 |
| | BRIEF LEGAL DESCRIPTION | WENTWORTH CONDO PLAN 53 |
| | DATE OF REGISTRATION | NOVEMBER 28, 1997 |
| | TAX ARREARS CERTIFICATE # | LT481171 |
| | REDEMPTION DATE | NOVEMBER 28, 1998 |
| | TOTAL ARREARS | \$9,232.90 |
| 4) | PROPERTY ADDRESS | 194 JOHN ST. S. |
| | SERIAL NUMBER | 02 01420 1810 |
| | BRIEF LEGAL DESCRIPTION | PLAN 1431 PART LOT 154 |
| | DATE OF REGISTRATION | AUGUST 8, 1997 |
| | TAX ARREARS CERTIFICATE # | VM239735 |
| | REDEMPTION DATE | AUGUST 8, 1998 |
| | TOTAL ARREARS | \$58,905.42 |

BY-LAW NO. 98 - 154

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26th DAY OF MAY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

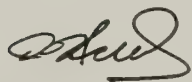
AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

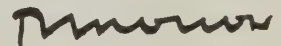
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 26th day of May 1998



CITY CLERK



MAYOR

BY-LAW NO. 98 - 155

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 29TH DAY OF
MAY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

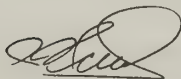
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

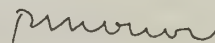
1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 29th day of MAY

A.D. 1998



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98-156

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 96-092

Respecting:

THIRD PARTY/BILLBOARD SIGNS

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 3 of the 8th Report of the Planning and Development Committee at its meeting held on the 14th day of May 1996, recommended that By-law No. 6593 be amended to provide for a general text amendment to the said by-law with respect to special requirements for third party/billboard signs, as hereinafter provided;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-092 on the 14th day of May 1996 to establish special requirements for third party/billboard signs;

AND WHEREAS the Ontario Municipal Board by Order dated the 8th day of August 1997, (File No. PL968698), directed that By-law No. 96-092 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 11. (15)(2)(c) of Zoning By-law No. 96-092 is amended by adding the word "radial" between the words "minimum" and "separation" in the first line.
2. Section 11. (15)(2)(d) of the said by-law is amended by deleting the number "36" in the first line and substituting the number "30" therefor.
3. Section 11. (15)(2)(e) of the said by-law is amended by deleting the number "7.6" in the second line and substituting the number "10.0" therefor.
4. In all other respects, By-law No. 96-092, is hereby confirmed, unchanged.

NOTE: BY-LAW NO. 96-092, ENACTED BY CITY COUNCIL ON THE 14TH DAY OF MAY 1996, WAS SUBSEQUENTLY AMENDED BY ONTARIO MUNICIPAL BOARD ORDER DATED AUGUST 8, 1997, (O.M.B. FILE NO. PL968698)

ISSUE DATE

AUG 08 1997

DECISION/ORDER No.

0775



Ontario

PL968698

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Gould Outdoor Advertising has appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990 c.P.13, against Zoning By-law 96-092 of the City of Hamilton

O.M.B. File No. R 960187

COUNSEL:

A. Steele

for

Gould Outdoor Advertising
(A Division of Jim Pattison Enterprises Ltd.)

A. Zuidema

for

The Corporation of the City of Hamilton

APPEARANCE:

D. Clark

THIS IS EXHIBIT 'B' REFERRED TO IN THE
DECLARATION OF JOSEPH JOHN
SCHATZ SWORN BEFORE ME THIS 6th
DAY OF April
A.D., 1998. *Kathleen Stasiuk*

A. COMMISSIONER, ETC.

KATHLEEN STASIUK, a Commissioner, etc.,
Regional Municipality of Hamilton-Wentworth,
for the Corporation of the City of Hamilton.
Expires April 16, 1998.

DECISION AND ORDER OF THE BOARD delivered by J.L. O'BRIEN1. Background

The Council of The Corporation of the City of Hamilton enacted By-law No. 96-092 on May 14, 1996 thereby amending its comprehensive zoning by-law. The purpose of the by-law is to provide a general text amendment regulating third party/billboard signs within the municipality.

The effect of By-law 96-092 is set out in the explanatory note which was circulated with the by-law, (Exhibit 2, p.113):

- 1) to add the term "billboard" to the definition of "third party signs";
- 2) to establish special requirements for third party/billboard signs;

- 2 -

- a) permitted only as ground signs or wall signs,
 - b) a maximum of one sign face with not more than two faces per property,
 - c) a minimum separation distance of 100 metres between each third party/
billboard sign,
 - d) the sign must be a minimum 36 metres from a residential district,
 - e) the maximum height is 7.6 metres and the maximum sign area is 25 square
metres per sign face,
 - f) illuminated signs are to have a steady light source and are to be shielded;
- 3) the third party/billboard signs are allowed in specified zones (G-1, G-2, H, HH, J, JJ, K and KK [the commercial and industrial zones]);
- 4) the third party/billboard signs will be prohibited in the Central Business District and G (Neighbourhood Shopping Centre) zones.

Prior to the by-law, there was no limit on the number of signs which could be erected, especially in the core of the City. There are approximately 500 signs at various locations in Hamilton, with approximately 27 located in the Central Business District. Heights, separation distances and locations were not regulated.

On February 20, 1996 Mediacom Inc., a competitor to the Appellant, requested the Planning and Development Committee to review the signs issue. That Committee on March 6, 1996 directed staff to prepare a preliminary report on the matter. The City also received correspondence from a concerned resident on March 12, 1996 expressing

- 3 -

concern with signage in the Mohawk/Sherman/Fennell commercial area and the negative effects on the adjacent residential community. By March 14, 1996 the Committee instructed staff to convene a public information meeting. Subsequent meetings confirming this direction were held by the Committee on March 20, and the Council on March 26, 1996.

The public meeting was held May 8, 1996. During the interval between the March meetings of Committee and Council, and the public meeting to consider the by-law, some contact was made with the Appellant to inform it of the City's actions and obtain input. The Planning and Development Committee approved the zoning report on May 8 and the Council confirmed those recommendations on May 14, 1996, enacting By-law 96-092 that same day. Exhibit 2 provides the chronology and the relevant correspondence between the parties, which the Board has noted and reviewed in detail.

The Appellant was the only party in attendance at the hearing and appealed the enactment of the by-law to the Board. Mr. D. Clark, who is a representative of Mediacom Inc., monitored the proceedings but did not present evidence. Mediacom's letters to the Planning and Development Committee dated February 20, 1996 (Exhibit 2, p.0) and March 6, 1996, (Exhibit 2, p.1), are the genesis for the actions taken by the City of Hamilton.

2) Preliminary Issue

The Board endeavoured, initially with considerable resistance, to ascertain the material Council had when it considered whether to enact the amendment to the zoning by-law. In particular, was the staff report which was prepared and sent to the Planning and Development Committee on May 8, 1996 at the Council meeting held May 14, 1996? Was the correspondence sent by the Appellant at the Council meeting? Was there a record of proceeding prepared of the Planning and Development Committee's public meeting held under the *Planning Act*, R.S.O. 1990, c. P.13, as amended? What the Board considered to be relatively innocuous questions about simple facts, created consternation for the City.

- 3 -

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- 4 -

The Board required this information to assess if there was any material which the Council had that the Board did not have at the hearing, and *vice versa*.

The Board was, however, greatly assisted by Ms. T. Agnello from the City Clerk's Department, and appreciates her evidence given on short notice. The practice in the City of Hamilton is to distribute the Planning and Development Committee agendas to all members of Council, except one member who has requested not to receive the agenda. The material is sent prior to the Committee meeting. The agenda is not transmitted to Council after the Committee meets. The minutes of the Committee meeting are not forwarded to Council. The minutes are sent only to the Committee as part of subsequent Committee agendas at a later date. This practice is followed by all standing committees in that municipality.

Accordingly, on May 14, 1996 when Council considered the matter and enacted By-law 96-092, the only material formally at the Council meeting was the recommendation to amend the by-law from the Planning and Development Committee. It was incumbent on members of Council to bring the Committee agenda on their own initiative. The letter which the Appellant had sent to the Committee dated May 5, 1996 (Exhibit 2, p.59) expressing concern about the proposed action was distributed to the members of the Planning and Development Committee at the meeting held May 8, 1996, but it was not sent on to Council and was not received by non-Planning and Development Committee members.

This raised the issue of compliance with the public hearing provisions set out in the *Planning Act* and the delegation of that function to the Planning and Development Committee under the *Municipal Act*, R.S.O. 1990, c. M.45, as amended. The Board requested both counsel to submit written argument on whether the statutory procedures had been followed and the jurisdiction of the Board if there was a failure in that process. The Board has considered the submissions and appreciates the responses from the parties.

- 5 -

The Board will leave the matter for another forum to determine the validity of the process followed by the City in enacting By-law No. 96-092. The Board adopts the approach recited in Thompson v. City of Mississauga (1986), 19 O.M.B.R. 248, where Vice-Chair R.D.M. Owen observed (at 250):

"The board is satisfied that the law is clear and that it does not have the jurisdiction to question the validity of the by-law that comes before it under the *Planning Act, 1983*. This is a question solely for the courts."

Further, the Board noted (at 251):

"The power of this board as set out in s. 34 of the *Ontario Municipal Board Act* to hear and determine all questions of law or fact relates to cases where the board is dealing with planning matters, such as a by-law, on the merits and not in instances where the legal issues must be settled before planning matters can proceed to be heard on their merits. Such preliminary determinations are for the courts."

This approach was also followed in Commisso's Food Terminal Ltd. v. Welland (unreported, April 26, 1996, Files R 950254 and R 950255, [1996] O.M.B.D No. 593), where the Board stated (para. 122):

"In my opinion, an allegation that a municipality has failed to follow the statutory procedure for the passage of a zoning by-law is an allegation that the by-law is invalid. The remedy the concerned party must seek is to quash it in the Courts."

The Board, in the absence of a declaration the by-law and the process leading up to its enactment is invalid, and given the importance of this matter to the Council of the City of Hamilton, will proceed to deal with the appeal on its merits.

- 6 -

3) Appellant's Case

a) Planning Evidence

i) Mr. Ronald Barr

Mr. Barr is the Executive Director, Community and Government Relations for the Appellant, a position which he has held since 1994. His experience includes several years with the City of Toronto and City of Etobicoke as a Public Affairs Coordinator. He is a member of the Signs Association of Canada/Outdoor Advertising Association, among numerous other associations and groups.

The process followed by the City which led to the enactment of the zoning amendments concerns him. There appeared to be a lack of consultation with the industry and the association which represents the sign industry. In particular, Gould was not approached by the City until late in the process, there was a short time frame to respond, and it seemed the matter was rushed through the municipal system.

He had requested more time to review materials and wanted the City to meet with the Signs Association. Every municipality is different. The best process is to mutually work-out an appropriate by-law that tailors separation distances, size of signs, locations and other matters in a collaborative manner with the stakeholders. The fate of signs which become non-conforming as a result of the by-law is problematic. If they are removed then replacement is not possible. The issue is one of competition and how it affects property owners.

The range and type of sign products were reviewed, leading to the assessment that the height restriction and size established in the by-law will have a detrimental impact on the signs erected by the Appellant.

He agreed that the municipality could regulate signs as a land use within the scope of the zoning by-law, although it was not a very common approach by municipalities. In cross-examination he admitted not reviewing the by-law for the hearing, and he could not comment on the concentration of signs in the Central Business District described in Exhibit 7. Further, he conceded the issue was partly a matter of due process and partly the protection of a market share of the signs in Hamilton. He confirmed that the Appellant was asking the City to create a competitive environment for the sign industry, for all companies and under a proper regulatory scheme.

ii) Mr. Bruce Richardson

Mr. Richardson is the Manager, Planning and Development, for the Appellant. His curriculum vitae, filed as Exhibit 8, indicates he is a qualified land use planner, with a concentration in environmental matters. He was not employed with the Appellant when the zoning amendment was enacted by the City, and he has nine months experience in the signs industry.

He was critical of the approach used by Hamilton. The staff reports to Council lacked an inventory of the signs in the Central Business District. The staff should have compiled a complete signs inventory, there should have been an inventory of all street signs, the height and type of buildings where signs are erected should have been included, and other matters should be documented such as the number of vacant parcels of land, the type of road network, traffic flow patterns and accident patterns. In his opinion, there is not a proliferation of signs in the area now.

The height restriction of 7.6 metres is too low and he would prefer that it be increased, in the range of 9.5 to 10.7 metres, thereby providing more flexibility for the products carried by the Appellant. The separation distance of 36 metres from a residential area will restrict where the Appellant can locate signs, especially given the narrow lot sizes

- 8 -

in the commercial areas, and should be replaced by a 'viewshed limit'. Essentially, if the sign cannot be seen by the abutting residential community it would be permitted.

He was also concerned with the haste with which the by-law was enacted. A more responsive process could have been followed to consult with the industry affected, and allow the companies to reply. While a public meeting was held under the *Planning Act*, the information provided was not sufficient to inform the public of the proposed changes.

He agreed in cross-examination that billboard signs can be located in Hamilton under the provisions of the zoning amendment, and if minor variances are required, these can be sought from the Committee of Adjustment. He expressed the opinion the by-law did not conform with the intent of the Official Plan, in particular Section 2.2.36 and Section 2.8.9. Any negative effect of signs could be addressed by urban design guidelines. While there is no limit imposed on the number of billboard signs in Hamilton generally, the restrictions imposed in the Central Business District are a concern to the Appellant.

The changes to the by-law would include a revision to the separation distance between commercial and residential areas, the viewline approach to residential areas, an increase to the height for ground signs, the repeal of the prohibition of signs in the Central Business District and the repeal of the prohibition for rooftop signs.

iii) Mr. Sid Catalano

Mr. Catalano is the Executive Director, Planning and Development for the Appellant, a position occupied since July, 1994. His prior experience included the City of Toronto Planning and Development Department and Housing Department as a planner, and policy analyst positions with the Alberta and New Brunswick governments. He is a member of the Canadian Institute of Planners and is a Registered Professional Planner.

- 9 -

The City had no objections to his qualifications as a planner.

He was critical of the process followed by the municipality leading to the enactment of the by-law. The signs by-law and the actions followed by the City of Toronto, with which he was involved, was related as the better approach. That process, under the provisions of the *Municipal Act*, involved extensive public consultation, monitoring and industry involvement. Similar approaches were used by London, Ottawa and Scarborough. The signs regulations should be under the *Municipal Act* rather than within a zoning by-law.

Commenting on the zoning by-law, the height should be increased to 9.0 to 10 metres, and the separation distance between commercial and residential areas should be re-examined, or a viewshed introduced. He agreed the City should have some controls on signs.

The municipality should provide an opportunity for sign operators to do business in Hamilton, but the by-law should also be fair and equitable to those operators. A voluntary freeze of all applications could be undertaken by the sign companies pending a more thorough review of the issues, but this had not been discussed with other sign companies by him. He agreed an interim control by-law under the *Planning Act* was not appropriate given the three year time limitation for another interim control action under the *Act*. He did attend the Planning and Development and Council meetings which were held to consider the by-law in May, 1996.

4) City's Case

i) Ms. Caroline Floroff

Ms. Floroff is a well-qualified Senior Planner with the City of Hamilton. She has in excess of 20 years experience in Hamilton and the Hamilton-Wentworth Region.

- 10 -

Memberships include the Canadian Institute of Planners, the Ontario Professional Planners Institute and Registered Professional Planner designation.

At the commencement of the hearing, Ms. Floroff presented an overview of the events leading to the enactment of the by-law. The by-law has city-wide application and certain areas where signs are prohibited. These areas are clearly depicted on Exhibits 6 and 7, which the Board has reviewed in preparing this Decision.

Planning concerns expressed to the City either by Mediacom Inc. or the area resident who wrote to the City, included clutter, the number of sign faces permitted and separation distances. In the core, clutter in her opinion will lead to a negative impact, and is a particular concern to the Council. The by-law does conform to the Official Plan. Those policies, including Section 2.8.9 were reviewed by Ms. Floroff in formulating her opinion.

The complete prohibition of signs in the Central Business District is consistent with other initiatives undertaken by Council to make it an attractive place for residents and businesses. Residential intensification, reduced parking for residential projects and community improvement by-laws are examples of those efforts.

The issue of non-conforming signs in the Central Business District has been taken into consideration by the Council. While it may create some problems for the sign industry, those problems do not warrant altering the by-law. The elimination of rooftop signs will improve the aesthetics of the core.

The staff had recommended a 30 metre separation distance between the signs in commercial areas and residential districts. The Council increased that distance, on a motion from one member at the Council meeting without staff input, to 36 metres. The witness however, at the hearing, could support the 36 metre separation established in the by-law as constituting good planning.

- 11 -

Ms. Floroff presented several photographs to illustrate her contention the existing signs contribute to clutter, a sense buildings are overtaken by the signage and add to visual intrusion of the core and other areas. These are all negative impacts, from a planning perspective. The City has been objective and considered amenity and appearance controls to be for the public benefit.

While the matter proceeded quickly through the Committee and Council, she was satisfied adequate opportunity was given to consider the issues, and for the Appellant to make its views known. In this case, competition among sign companies is not a matter which should be considered within the ambit of good planning.

Responding to the type of study suggested by the Appellant's witnesses that should have been undertaken, while the luxury of more time would be appreciated by the planning staff, the material produced was adequate to assess the situation and an exhaustive study of street signs, type of streets, intersection analysis etc., was not necessary. To the date of the hearing, no one has come forward to the City with proposed modifications to the zoning by-law for consideration by the municipality.

The by-law, in her opinion, was enacted in accordance with the notice requirements of the *Planning Act* and the Official Plan, and constituted good planning.

In cross-examination Ms. Floroff rejected the proposition site plan control would offer an adequate regulatory scheme for signs, especially regarding height and separation distances. The height limitation was determined by reviewing other municipalities' by-laws and how they approached the issue, and by discussing the matter with colleagues in the Planning Department. The suggested 10 metre height limit from the Appellant's witnesses may have some impact in certain situations. Similarly, the 30 metre separation distance was derived from other Hamilton by-laws, e.g. the radial separation distance between Short Term Care Facilities and residential areas. The elimination of rooftop signs could be

- 12 -

reconsidered and did merit a review and further study.

Finally, as a land use planner she had noticed the problem of signs in the City prior to the March 6, 1996 initiative, and while billboard signs have a place in the community, there is a point at which they become "too much".

The Planning Department does not have the review of billboard signs on its current workplan.

Responding to the questions of the Board, Ms. Floroff agreed that if time permitted a complete study of the signs issue, it would involve thorough consultation with other municipalities to ascertain their approach, complete evaluation of the options available, and more comprehensive investigation of the areas to which the by-law would apply. However, the City had covered the bases necessary to support the by-law and it did consult with the public.

5) Argument

a) Appellant

Counsel argued the process followed by the City was not fair, was not based on proper planning studies, and was not a proper balance of the public interest and private rights. The process was politically driven and had not appeared on the staff workplan prior to March, 1996. The City had complied with the minimum notice requirements set out in the *Planning Act*. However, notice is more than just knowing something is going to happen. There must be an opportunity for a considered response.

The sign industry has a special expertise which the City failed to utilize. Deferral of the matter to allow consultation would have been a prudent and responsible course of action. If the by-law is repealed, a vacuum will not occur. Rather, the prior regulatory regime will

- 13 -

continue to operate. A by-law under the *Municipal Act* is the better route to follow in this case, according to the Appellant.

If the by-law is to be amended, the Appellant requested the following matters to be considered: the prohibition of signs in the Central Business District, the elimination of rooftop signs, the height restriction of 7.6 metres, and the separation distance from residential districts.

There are only 27 signs in the Central Business District. They have historically been part of that area of the City, and the Official Plan provides for commercial uses in the core (Section 2.2.4). If the signs become non-conforming, the Appellant will never be able to compete or obtain any sign locations in the C.B.D.

Separation distances could control the issue of clutter expressed by the City Planner. The elimination of rooftop signs is extreme, especially where ground signs are inappropriate in some built-up areas.

Height controls established in the by-law do not recognize the range of products on the market. While the Appellant can accept some height restriction may be necessary, 10 metres is more appropriate and reflects the industry requirements.

The by-law should be repealed, according to the Appellant, and a proper, fair process followed with consultation involving all interested parties.

b) City

The City argued proper planning procedures had been followed, the by-law conforms to the Official Plan, and the Appellant was given an opportunity to address its concerns at the public Committee meetings.

The problem was clearly shown in Exhibit 11. The City had received 99 new billboard applications in less than two years. There is a battle in the sign industry for locations. The Council responded in the public interest. The situation warranted quick action. Deferral at the Planning and Development Committee would not have achieved any useful purpose if it had been breached by the filing of more applications for sign permits. There was a crisis at hand which had to be addressed by the Council.

The evidence led by the Appellant should be viewed as lacking objectivity, given the employment of the witnesses. Competition between sign operators is not a valid land use concern for the municipality.

There is no cap on the number of signs which may be located in Hamilton, and minor variance applications can be pursued by the Appellant in appropriate cases.

If the Appellant or the sign industry had come forward with proposals, the City would consider them. That was not the situation in this case, where no alternatives were put to the staff or Council. There was no planning basis to amend the by-law in the manner requested by the Appellant.

6) Disposition

The Board has considered the evidence and arguments of both parties. During the course of the proceedings, the Board took an extensive view of the Central Business District and surrounding areas to appreciate the concerns expressed on behalf of the Council and the position of the Appellant. On balance, the Board agrees that a problem exists and justified the action taken by the Council. While the record may indicate there appeared to be a rush to judgment, the City was confronted with an inordinate number of sign applications without having suitable regulatory controls in place to deal effectively with them.

- 15 -

The Board noted in particular, the assault on the visual senses by the signs and billboards as one traverses the main corridors in the Central Business District and the gateways to the core of the City. Accordingly, some form of intervention was necessary.

The Board, therefore, generally prefers the evidence of Ms. Floroff, who was forthright in her responses and demonstrated candour in acknowledging the process was fast but prudent.

The Board rejects totally, the submission by counsel for the City that the witnesses for the Appellant were not objective or somehow had an element of prejudice given their employment. While the Board has not completely agreed with their evidence, it has accepted, based on their expertise in the sign industry, that further minor changes should be made to the zoning by-law. These witnesses demonstrated frankness and professionalism during the course of their respective presentations and employment considerations did not influence their responses. The Board thanks Messrs. Barr, Richardson and Catalano for the valuable contribution each made to this hearing.

The Board is satisfied the by-law conforms with the Official Plan. Section 2.2.36 is contained in the "General Provisions" of the Plan dealing with commercial uses, and provides (Exhibit 3, p.10):

"The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area."

Further, Section 2.8.9 describes policies for the "Central Policy Area" as follows (Exhibit 3, Supplement, p. A-35):

- 16 -

"It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will: ...

(vi) Endeavour to improve the streetscape in the CENTRAL POLICY AREA and, accordingly, will consider such actions as, but not limited to, the following:

c) regulation of signage."

The regulation of signs in the zoning by-law is a valid exercise of land use control and the policies recited support the provisions included in a zoning context.

While the Board accepts the evidence of Ms. Floroff, certain changes should be made to By-law No. 96-092 premised on the evidence and submissions of the Appellant. The Board had evidence and material at the hearing which Council appears, from the record, did not have to assess the matter.

It is evident the separation distance recommended by staff, being 30 metres, was altered by Council to 36 metres, without staff input or discussion with the sign industry. The Board is satisfied the depth of the lots in the commercial area coupled with a 36 metre separation distance will be too onerous on the Appellant and the industry. The by-law will be amended, pursuant to Section 34 of the *Planning Act* to limit that distance to 30 metres.

The height limit proposed, 7.6 metres, can cause problems to the industry given the type of products on the market which were reviewed by the witnesses for the Appellant with the Board. The Appellant recommended the height be set at 10 metres. The Board agrees this is reasonable and will order the by-law amended in that manner.

The by-law provides that "a minimum separation distance of 100 metres between each third party/billboard sign shall be provided and maintained". Ms. Floroff agreed with the suggestion from the Board that a radial separation should be inserted. That

- 17 -

amendment will be made to the by-law to make the intent clear.

The Board canvassed with the parties the possibility of issuing an order to limit the effective operation of the by-law for a fixed period of time, for example 1 or 2 years. During that time further study of the issues could be undertaken by the City but the immediate threat of billboard and sign proliferation would be controlled by the zoning restrictions. After deliberation, the Board was satisfied that approach is not available under Section 34 of the *Planning Act*, and time limits cannot be imposed.

However, the Board expresses the view further, comprehensive study of the issues should be undertaken by the municipality, with full and complete consultation involving all interested parties, including the Appellant and the Signs Association. The matter of non-conforming signs and the possibility of incorporating an existing uses clause should be explored. This is recommended given that, according to the City, the signage on the Copps Arena and the Zucker Art Gallery are rendered non-conforming under the by-law. Also, the rooftop sign issue, which Ms. Floroff suggested could benefit from additional analysis, should be placed in that planning program.

The recommendations adopted by Council at the meeting held on May 14, 1996 contained a direction to staff to monitor the by-law for one year and to report back to the Planning and Development Committee (Exhibit 2, p.96). The disposition of the by-law should now create the impetus to establish a joint City-sign industry committee to review the matters in greater detail, in a collaborative manner, as suggested by Ms. Floroff in her September 20, 1996 discussion with Mr. Richardson (Exhibit 2, p.128).

7) Order

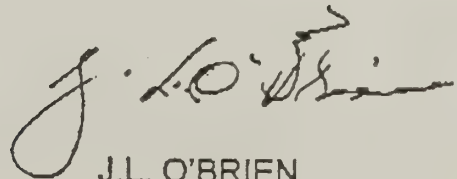
The appeal is allowed, in part, and By-law No. 96-092 is amended, pursuant to Section 34 of the *Planning Act*, as follows:

- 18 -

- 1) Proposed subsection (15)(2)(c) of Section 18 of Zoning By-law No. 6593, recited in Section 11 of By-law No. 96-092, is amended by adding the word "radial" between the words "minimum separation";
- 2) Proposed subsection (15)(2)(d) of Section 18 of Zoning By-law No. 6593, recited in Section 11 of By-law No. 96-092, is amended by deleting the number "36" and substituting therefor the number "30";
- 3) Proposed subsection (15)(2)(e) of Section 18 of Zoning By-law No. 6593, recited in Section 11 of By-law No. 96-092, is amended by deleting the number "7.6" and substituting therefor the number "10.0".

Except as noted, the appeal is otherwise dismissed.

The Board so Orders.



J.L. O'BRIEN
MEMBER

CAY on HBC H08
B51

Bill No. E-011

BY-LAW NO. 98 - 157

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 11th DAY OF JUNE, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

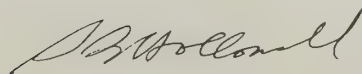
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

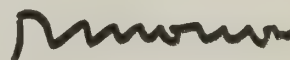
1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 11th day of JUNE

A.D. 1998



Acting CITY CLERK



MAYOR



BY-LAW NO. 98 - 158

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 16th DAY OF JUNE, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

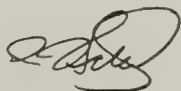
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

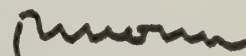
1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 16th day of JUNE

A.D. 1998



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-159

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Glenholme	Northbound and Southbound	Lucerne
Summerhill	Northbound and Southbound	Lucerne
Indian	Eastbound	Abbot
Hillyard	Northbound and Southbound	Munroe
Roland	Southbound	Claudette."

2. That **Schedule 29 (No Stopping Areas)** of said By-law be amended by adding thereto the following items, namely:-

"Inverness	North	commencing at Upper Wellington and extending 45 feet easterly therefrom	Anytime
Barton	North	commencing at Locke and extending 105 feet easterly therefrom	Anytime
Grandville	West	commencing 164 feet south of Violet and extending 122 feet southerly therefrom	Anytime."

and by deleting therefrom the following item, namely:-

"Inverness	North	Upper Wellington to a point 103 feet easterly therefrom	Anytime."
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3. That **Schedule 31 (School Bus Loading Zones)** of said By-law is hereby amended by deleting therefrom the following item, namely:-

"Lawson	West	40 feet	203 feet north of Folkestone	7:00 a.m. - 6:00 p.m. Monday to Saturday."
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4. That **Schedule 35 (Wheelchair Loading Zones)** of said By-law be amended by adding thereto the following items, namely:-

"Lawson	West	commencing 203 feet north of Folkestone and extending 40 feet northerly therefrom	7:00 a.m. - 6:00 p.m. Monday to Saturday
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High	East	commencing 65 feet north of the north curb line of Sherwood Rise and extending 52 feet northerly therefrom	7:00 a.m. - 11:00 a.m. and 2:00 p.m. - 6:00 p.m. Monday to Friday
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West	West	commencing 50 feet south of King and extending 20 feet southerly therefrom	Anytime
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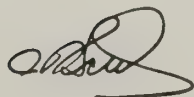
East 18th	East	commencing 226 feet south of Concession and extending 40 feet southerly therefrom	7:00 a.m. - 6:00 p.m. Monday to Saturday
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Ferndale	East	commencing 121 feet south of Dunkirk and extending 28 feet southerly therefrom	Anytime."
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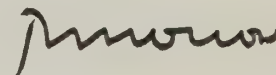
5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

6. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 30th day of June 1998.



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 160

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

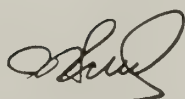
AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

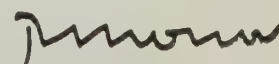
1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by deleting therefrom the following items, namely:-

"Albright	Eastbound and Westbound	Montmorency
Montmorency	Northbound and Southbound	Albright."
2. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
3. This By-law shall come into force and take effect upon the commencement of the reconstruction of the subject intersection.

PASSED this 30th day of June 1998.



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-161

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 24 (Parking Meter Locations)** of By-law 89-72, as amended, is hereby further amended by adding to Section 1(A) thereof the following item, namely:-

"Ferguson Both King William to Wilson."

and by adding to Section 2(B) thereof the following item, namely:-

"Duke South James to MacNab."

and by deleting from Section 1(A) thereof the following item, namely:-

"Ferguson Both King to King William."

and by deleting from Section 3(B) thereof the following item, namely:-

"Duke South James to MacNab."

2. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Lottridge West Barton to Edward 2 hr 8 am - 8 am(24 hrs) Mon - Sun

Cranbrook East Greendale to Garrow 1 hr 7 am - 4 pm Mon - Fri

Inverness North commencing 45 feet 1 hr 8 am - 8 am(24 hrs) Mon - Sun."
east of Upper
Wellington and
extending 42 feet
easterly therefrom

3. That **Schedule 26 (No Parking Areas)** of said By-law be amended by adding thereto the following items, namely:-

"Jameston	North	Upper James to a point 270 feet westerly therefrom	8 am - 6 pm Mon - Fri
Jameston	South	Upper James to a point 227 feet westerly therefrom	8 am - 6 pm Mon - Fri
Montmorency	West	commencing 79 feet south of Haskins and extending 38 feet southerly therefrom	Anytime
Ferguson	Both	King to King William	Anytime
Barton	North	Queen to Crooks	Anytime."

and by deleting therefrom the following items, namely:-

"Barton	North	Queen to Locke	Anytime
Barton	South	Locke to 200' easterly	Anytime."

4. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Picton	South	commencing 286 feet east of Mary and extending 24 feet easterly therefrom	Anytime
Land	North	commencing 82 feet east of Wentworth and extending 19 feet easterly therefrom	Anytime
Douglas	East	commencing 25 feet south of Keith and extending 18 feet southerly therefrom	Anytime
Francis	North	commencing 175 feet west of Cheever and extending 17 feet westerly therefrom	Anytime
Homewood	North	commencing 410 feet east of Dundurn and extending 18 feet easterly therefrom	Anytime
Vansitmart	North	commencing 230 feet west of Harmony and extending 22 feet westerly therefrom	Anytime
East 22nd	East	commencing 216 feet south of Concession and extending 24 feet southerly therefrom	Anytime
Arthur	East	commencing 120 feet north of King and extending 18 feet northerly therefrom	Anytime
Arthur	West	commencing 116 feet north of King and extending 18 feet northerly therefrom	Anytime
Keith	North	commencing 164 feet east of Douglas and extending 21 feet easterly therefrom	Anytime

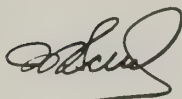
Hughson	West	commencing at MacAuley and extending 212 feet southerly therefrom	Anytime
Napier	South	commencing at Pearl and extending 191 feet easterly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

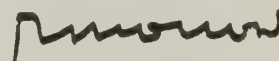
"Paul	South	commencing 36 feet west of Southview and extending 22 feet westerly therefrom	Anytime
Mars	South	commencing at a point 107 feet east of Douglas to a point 19 feet easterly therefrom	Anytime
Somerset	South	commencing 139 feet west of Barnesdale and extending 24 feet westerly therefrom	Anytime
Hughson	West	Macauley to Picton	Anytime."

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.
6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 30th day of June 1998.



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-162

TO ALTER ALBRIGHT ROAD BETWEEN QUIGLEY ROAD
AND MOUNT ALBION ROAD BY NARROWING THE PAVEMENT

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

AND WHEREAS the portion of highway known as Albright Road is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 1 of the 7th Report of the Transport and Environment Committee on May 12, 1998, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Albright Road as hereinafter described;

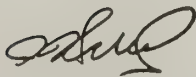
AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

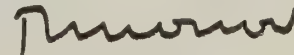
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations be approved and carried out to Albright Road between Quigley Road and Mount Albion Road, for the purpose of narrowing the travelled portion of the said street from the existing width which varies from 7.9m to 13.9m to a width varying from 4.9m to 13.0m, as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this 30th day of June, 1998.



CITY CLERK



MAYOR

(1998) 7 R.T.E.C. 1, May 12

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-163

TO SELL A CLOSED PORTION OF DULGAREN STREET FROM
THE FUTURE EAST LIMIT OF EAGLEWOOD DRIVE, EASTERLY FOR
APPROXIMATELY 31 METERS AS CLOSED BY JUDGE'S ORDER LT478474 AND
DESIGNATED AS PARTS 2, 3 & 4 ON PLAN 62R-14087

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the said Dulgaren Street was closed by Judge's Order registered as LT478474 and as authorized by City Council in adopting Item 27 of the 7th Report of the Transport & Environment Committee on 1998 May 12.

AND WHEREAS notice of the City's intention to pass this By-law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton.

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of the By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

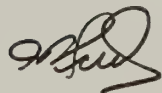
1. That the sale of the closed portion of Dulgaren Street designated as:

Parts 2, 3 & 4 on Plan 62R-14087.

City of Hamilton

Regional Municipality of Hamilton-Wentworth
2. That the above mentioned lands designated as Parts 2, 3 & 4 on Plan 62R-14087 be sold to Harp Homes Inc. for a sum of \$24,750.00 pursuant to the agreement dated 1998 March 30.

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-164

TO INCORPORATE CITY LAND
DESIGNATED AS PART 7 ON PLAN 62R-10529
INTO ACADIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Acadia Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Acadia Drive.

Part of Lot 2, R.P. 909, designated as Part 7 on Plan 62R-10529.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 165

TO INCORPORATE CITY LAND
DESIGNATED AS PART 1 ON PLAN 62R-14552
INTO BRIGADOON DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Brigadoon Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Brigadoon Drive.

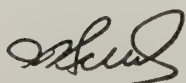
Part of Lot 17, Concession 7, in the geographic township of Barton designated as Part 1 on Plan 62R-14552.

City of Hamilton

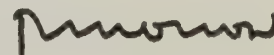
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

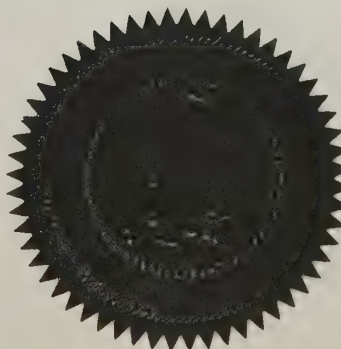
PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 166

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 & 2 ON PLAN 62R-14551
INTO CHIPMAN AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Chipman Avenue within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Chipman Avenue.

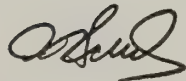
Part of Lot 14, Concession 7, in the geographic township of Barton designated as Parts 1 & 2 on Plan 62R-14551.

City of Hamilton

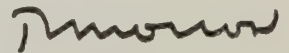
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 167

TO INCORPORATE CITY LAND
DESIGNATED AS PART 13 ON PLAN 62R-13294
INTO DICENZO DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Dicenzo Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Dicenzo Drive.

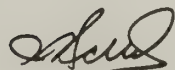
Part of Lot 14, Concession 8, in the geographic township of Barton designated as Part 13 on Plan 62R-13294.

City of Hamilton

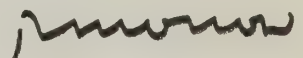
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 168

TO INCORPORATE CITY LAND
DESIGNATED AS PARCEL "G" ON REGISTERED PLAN 1013
INTO KIRKFIELD ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Kirkfield Road within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Kirkfield Road.

All of Parcel "G" on Registered Plan 1013.

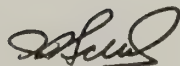
City of Hamilton

Regional Municipality of Hamilton-Wentworth

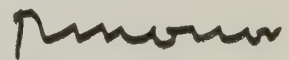
2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 169

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 3 & 4 ON PLAN 62R-14441
INTO MATTHEW DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Matthew Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Matthew Drive.

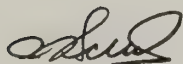
Part of Lot 18, Concession 7, in the geographic township of Barton designated as Parts 3 & 4 on Plan 62R-14441.

City of Hamilton

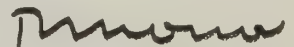
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 170

TO INCORPORATE CITY LAND
DESIGNATED AS PART 3 ON PLAN 62R-14585
INTO WINDRUSH CRESCENT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Windrush Crescent within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Windrush Crescent.

Part of Lot 8, Concession 6, in the geographic township of Barton designated as Part 3 on Plan 62R-14585.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 30th day of June A.D. 1998



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 98-171

To Amend:

Zoning By-law No. 6593

As Amended by Zoning By-law No. 67-97

Respecting:

LAND LOCATED AT MUNICIPAL NO. 329 MOHAWK ROAD WEST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 67-97 on the 14th day of March, 1967 to establish special requirements under Section 19B of Zoning By-law 6593, for the "C" District, in respect of the lands located on the south side of Mohawk Road West between Millbank Place and Southlea Drive, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 19th day of May, 1967, (File No. P. 3651-67);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593 and as amended by By-law No. 67-97 applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended to the extent only of the special requirements that,

- (a) notwithstanding Schedule "A" of By-law No. 67-97, an 18.80 metres minimum front yard setback from the street line of Mohawk Road West shall be provided and maintained for the two (2) storey westerly addition;
- (b) notwithstanding Schedule "A" of By-law No. 67-97, a 4.5 metres minimum westerly side yard shall be provided and maintained for the two (2) storey westerly addition;
- (c) notwithstanding Schedule "A" of By-law No. 67-97, one (1) parking space shall be permitted within the required front yard along Mohawk Road West;
- (d) notwithstanding Schedule "A" of By-law No. 67-97, the parking area, existing on the date of the passing of this by-law, shall be permitted within the required front yard along Lynbrook Drive;

- (e) notwithstanding Schedule "A" of By-law No. 67-97, an accessory building, existing on the date of the passing of this by-law, shall be permitted within the front yard along Lynbrook Drive;
- (f) a planting strip having a width of not less than 4.5 metres shall be provided and maintained along the westerly lot line.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-41a.

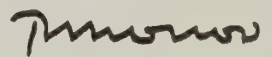
4. Sheet No. W-17 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-41a.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of June A.D. 1998



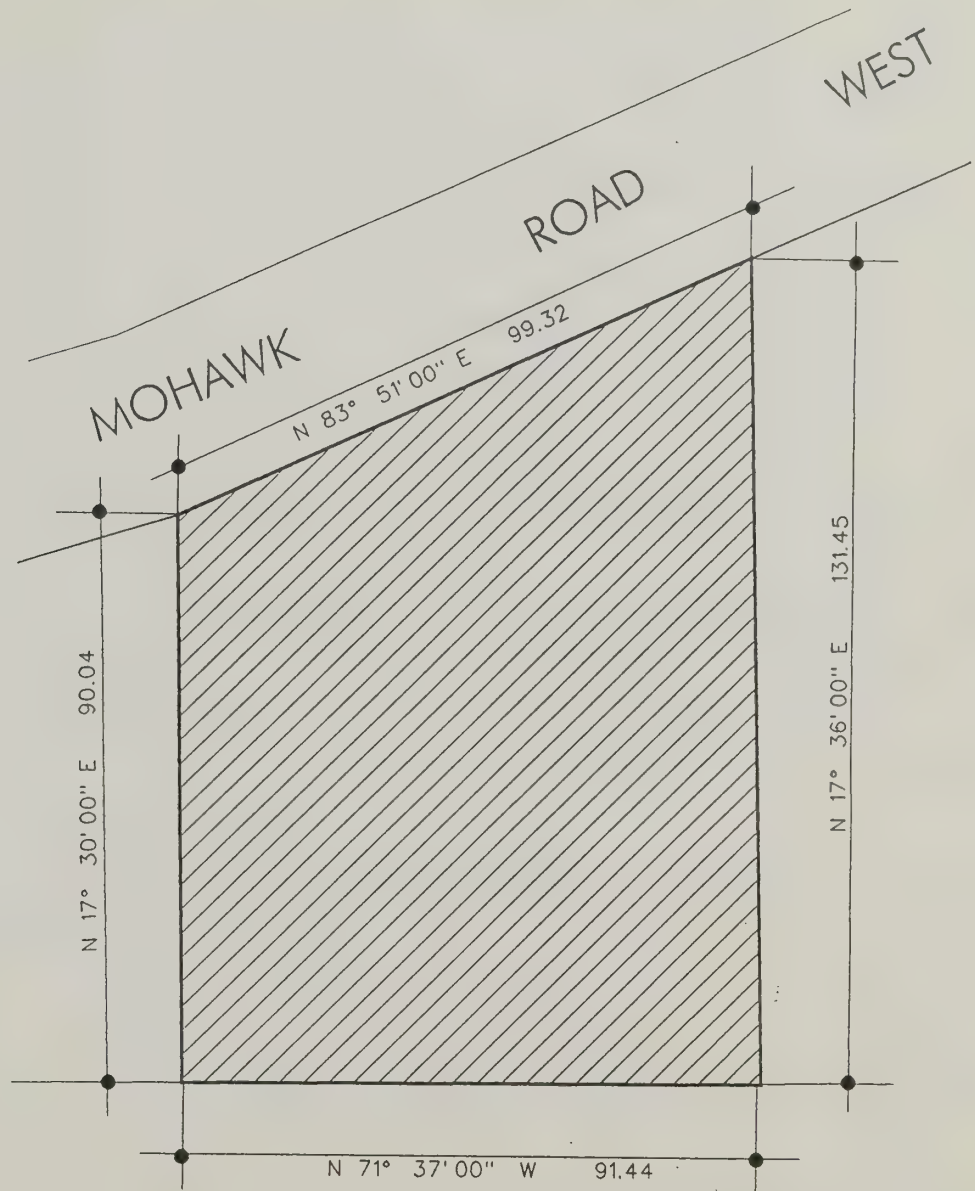
CITY CLERK



MAYOR



(1998) 9 R.P.D.C. 2, May 12
Sisters of St. John the Baptist, Owner
ZAC-97-36



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-171
 Passed the 30th day of June, 1998:

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 98-171

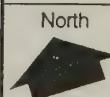
to Amend By-Law No. 6593

Planning and Development Department

Legend



Further modification to the "C" (Urban Protected Residential, etc.) District.



North

Scale
 NOT TO SCALE

Date
 May 1998

Reference File No.
 ZAC-97-36

Drawn By
 B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 172

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 329 MOHAWK ROAD WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

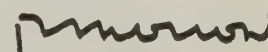
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 174. Land located at Municipal No. 329 Mohawk Road West, shown on Appendix 174 hereto annexed and forming part of this by-law.
2. Appendix 174 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

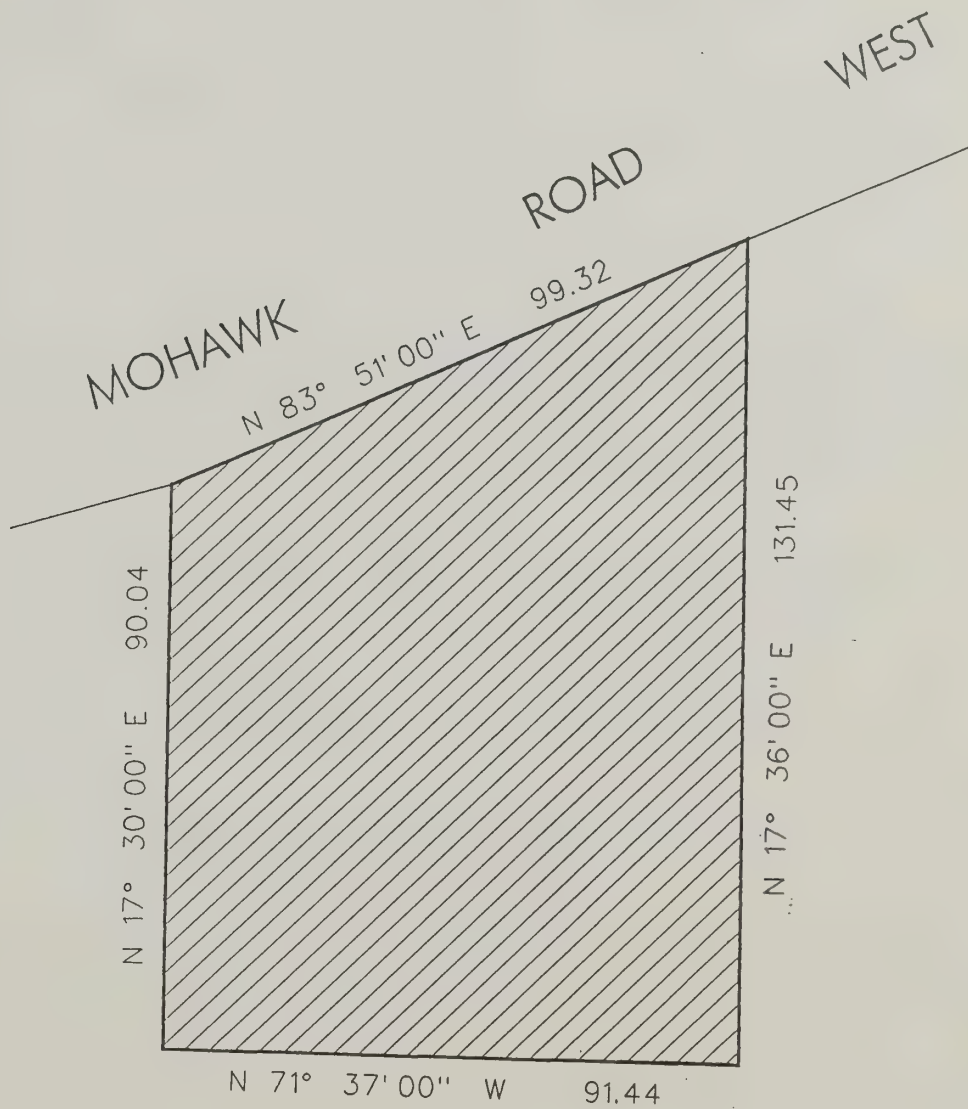
PASSED this 30th day of June A.D. 1998



CITY CLERK



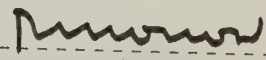
MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-172
Passed the 30th day of June, 1998.


Clerk


Mayor

City of Hamilton

Appendix 174

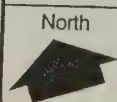
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.



Scale
NOT TO SCALE
Date

Reference File No.
ZAC-97-36
Drawn By

The Corporation of the City of Hamilton

BY-LAW NO. 98- 173

To Amend By-law No. 79-275, as Amended by By-law No. 83-236
and To Repeal By-law No. 87-223

Respecting:

SITE PLAN CONTROL AREAS

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, established site plan control for the areas comprised in various classes of districts or zones set out in Schedule "A" annexed thereto and areas comprised in parts of the City as set out in Schedule "B" annexed thereto, as amended, in accordance with Section 35a.(2) of the Planning Act, R.S.O. 1970, Chapter 349, now Section 41.(2,3) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS By-law No. 83-236, passed on the 27th day of July, 1983, added the "F-1" District and the "F-3" District to Schedule "A" of By-law No. 79-275;

AND WHEREAS By-law No. 87-223, passed on the 28th day of July 1987, updated references in By-law No. 79-275 to the Planning Act, 1983;

AND WHEREAS it is expedient to repeal By-law No. 87-223 as it is redundant;

AND WHEREAS it is intended to further update references in By-law No. 79-275 to the Planning Act, R.S.O. 1990 as hereinafter provided;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 4 of the 9th Report of the Planning and Development Committee at its meeting held on the 12th day of May 1998, recommended that By-law No. 79-275 be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 79-275 is amended by deleting the first recital in its entirety and substituting the following therefor:

"**WHEREAS** subsections 2 and 3 of section 40 of the Planning Act, 1983, Chapter 1, as re-enacted by subsections 2 and 3 of Section 41 of the Planning Act, R.S.O. 1990, Chapter P.13, provides as follows:

41. (2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area.

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34;"

2. Schedule "A" of By-law No. 79-275 is amended by adding the "H" (Community Shopping and Commercial, etc.) District between the "G-4" District and the "HH" District, and adding the "U" (University) District at the end thereof.

3. Section 1 of By-law No. 79-275 is amended by adding the following subsections thereto:

"(3) The "AA" (Agricultural) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of the Planning Act, R.S.O. 1990:

1. All Residential uses, Institutional uses, Commercial uses, Farming uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches and schools.

(4) The "B" (Suburban Agriculture and Residential, etc.) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of the Planning Act, R.S.O. 1990:

1. All Residential uses, Institutional uses, Commercial uses, Farming uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches, schools, colleges and universities.

(5) The "C" (Urban Protected Residential, etc.) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of the Planning Act, R.S.O. 1990:

1. All Residential uses, Institutional uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches and schools."

4 Section 2 of By-law No. 79-275, as amended, is repealed and the following is substituted therefor:

"2. For the purpose of this by-law, the following classes of development mentioned in subsection 41.(1) of the Planning Act, R.S.O. 1990, may be undertaken without approval of plans and drawings otherwise required under subsection 41.(4) of the said Act.

1. single-family dwellings;
2. two-family dwellings."

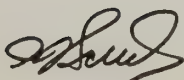
5. By-law No. 87-223, to amend By-law No. 79-275, is hereby repealed in its entirety.

6. In all other respects, By-law No. 79-275, as amended, is hereby confirmed, unchanged.

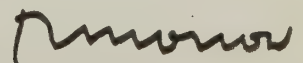
PASSED this 30th day of

June

A.D. 1998



CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98- 174

To Amend

By-law No. 93-167

Respecting

BUILDING PERMITS AND FEES

WHEREAS By-law 93-167 was enacted on July 27, 1993 concerning Building Permits and Fees;

AND WHEREAS Council, on March 31, 1998, in adopting Section 10 of the 6th Report of the Planning and Development Committee authorized an amendment to By-law No. 93-167;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

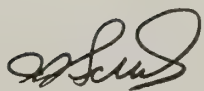
1. Section 4 of By-law No. 93-167 is amended by the addition of the following subsection:
 - (6A) In addition to the applicable requirements of subsection (2) above, every sewage system **permit** application shall contain the following information:
 - (a) the name, address, telephone number, and licence number of the person installing the sewage system,
 - (b) where the person named in (a) above requires a licence under the Act and the **Building Code**,
 - (i) the number and date of issuance of the licence, and
 - (ii) the name of the qualified person supervising the work to be done under the sewage system **permit**;
 - (c) a site evaluation which shall include all of the following items, unless otherwise specified by the **Chief Building Official**,
 - (i) the date the evaluation was done,
 - (ii) the name, address, telephone number and signature of the person who prepared the evaluation,
 - (iii) a scaled map of the site showing the legal description, lot size, property dimensions, existing rights-of-way, easements, or municipal/utility corridors; the location of items listed in Column 1 of the Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C; the location of the proposed sewage system; the location of any unsuitable, disturbed or compacted areas, and the proposed access routes for system maintenance,

- (iv) depth to bedrock,
- (v) depth to zones of soil saturation,
- (vi) soil properties, including soil permeability, and
- (vii) soil conditions, including the potential for flooding; and,

2. Schedule "A" of By-law No. 93-167 is amended by the addition of the following classes of permits and fees:

<u>CLASS OF PERMIT</u>	<u>FEE</u>
11. (a) Permit for the construction of on-lot sewage system pursuant to the provisions of the Building Code Act	\$500.00
(b) Permit for the repairs to an existing on-lot sewage system pursuant to the provisions of the Building Code Act	\$200.00
(c) Preparation of written comments and inspection for land severance, minor variance and re-zoning applications for lots with existing septic systems	\$200.00

PASSED this 30th day of June, 1998.



CITY CLERK



MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 98-175

TO AUTHORIZE:

CLEARING OF THE PREMISES
LOCATED AT 938-948 BURLINGTON STREET EAST
OF DOMESTIC AND INDUSTRIAL WASTE INCLUDING USED TIRES

WHEREAS by Notice dated January 6th, 1998 to the owner of the land located at municipal number 938-948 Burlington Street East, clearing of the land of all domestic and industrial waste was required;

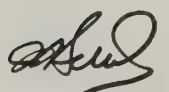
AND WHEREAS the land has not yet been cleared of the domestic or industrial waste;

AND WHEREAS pursuant to Section 9(1) of By-Law 84-35 where the owner, lessee or occupant is in default of doing the matter or thing required to be done, namely remove garbage, refuse or domestic or industrial waste, the Building Commissioner may cause the work to be done in accordance with Section 9(3) of By-law 84-35, the City shall recover the expenses incurred in the doing of the work in a like manner as municipal taxes.

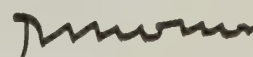
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to cause the removal and disposal of all domestic and industrial waste as he determines from the land municipally known as 938-948 Burlington Street East in accordance with Section 9(1) of By-Law 84-35.
2. It is hereby authorized and directed that the expense of removing all domestic and industrial waste referred to in section 1 shall be added to the collector's roll and shall be collected in a like manner as municipal taxes.

PASSED this 30th day of June A.D. 1998



CITY CLERK



MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 98- 176

TO CHANGE THE NAME OF DULGAREN STREET TO DALIA AVENUE

WHEREAS Section 210, paragraph 111 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides that the council of a municipality may pass by-laws to change names of highways;

AND WHEREAS notice of the proposal to pass this by-law was published in The Spectator once a week for four successive weeks prior to the passing of this by-law, in accordance with the said Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Planning and Development Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this by-law.

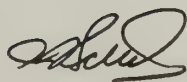
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The name of the street municipally known as Dulgaren Street, more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby changed to Dalia Avenue.
2. This by-law shall come into force and take effect on the day that a copy of it, certified under the hand of the City Clerk and the seal of The Corporation of the City of Hamilton, has been registered in the Land Registry Office for the Registry Division of Wentworth (No. 62).

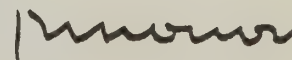
PASSED this 30th day of

June

A.D. 1998



CITY CLERK



MAYOR

SCHEDULE "A"

To

By-law No. 98- 176

PIN 16921-0086 (LT)

Part of Dulgaren Street, Registered Plan 853,
being the westerly seventy-six point three two metres
(76.32m) lying east of Upper Sherman Avenue
road allowance between Lots 8 and 9, and west of
Eaglewood Drive on Plan 62M-829

Being part of the PIN

City of Hamilton

Regional Municipality of Hamilton-Wentworth

The Corporation of the City of Hamilton

BY-LAW NO. 98- 177

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF MUNICIPAL NO. 27 ALBERT STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

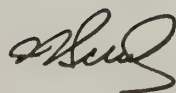
1. Sheet No. E-34 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District,

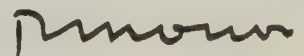
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of June A.D. 1998.



CITY CLERK

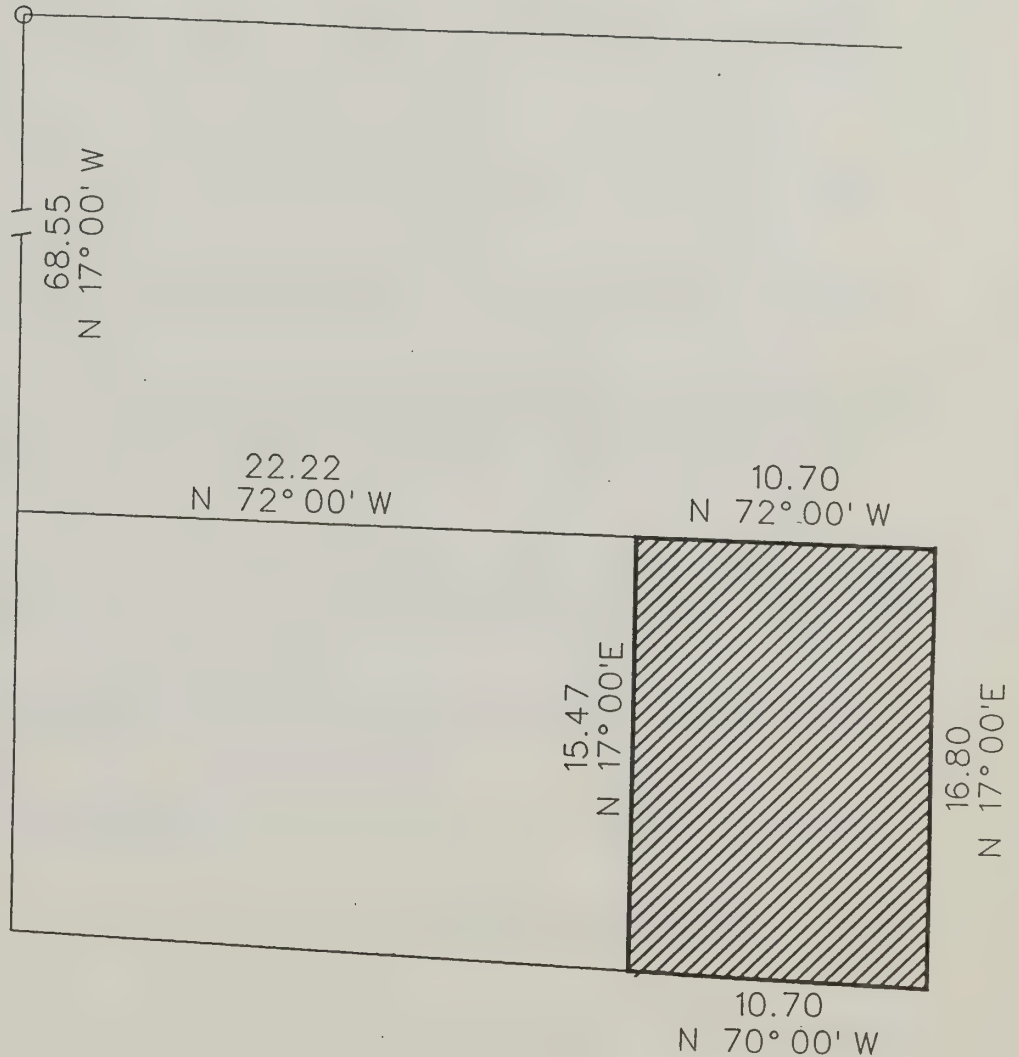


MAYOR

(1998) R.P.D.C. June 30
Daniel Ford, owner
ZAR-98-16

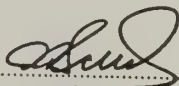
MAIN STREET EAST

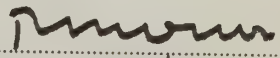
ALBERT STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-177.
Passed the 30th day of June, 1998.


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-177.

Planning and Development Department

Legend

Change in zoning:



From "G-3"(Public Parking Lots) District
to "D" (Urban Protected Residential -One
and Two Family Dwellings, etc.) District



Scale
Not to Scale
Date
JUNE 1998

Reference File No.
ZAR-98-16
Drawn By
D.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98-178

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 349 AND 353 ACADIA DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

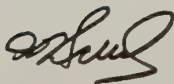
1. Sheet No. E-27C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block 1; and,
- (b) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block "2",

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of June A.D. 1998.



CITY CLERK



MAYOR

(1998) R.P.D.C. June 30
J. Arruda, applicant
ZAR-98-19

The Corporation of the City of Hamilton

BY-LAW NO. 98-178

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 349 AND 353 ACADIA DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

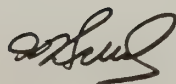
1. Sheet No. E-27C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block 1; and,
- (b) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block "2",

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of June A.D. 1998.



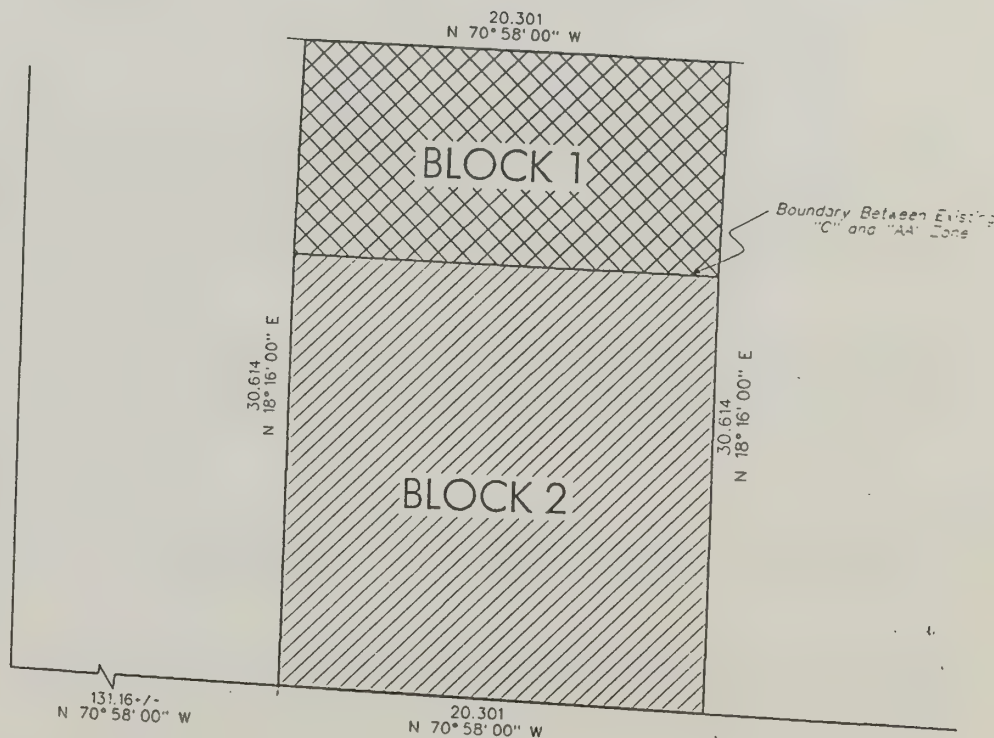
CITY CLERK



MAYOR

(1998) R.P.D.C. June 30
J. Arruda, applicant
ZAR-98-19

RIDGEMOUNT DRIVE



ACADIA DRIVE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-178
Passed the ...3rd day of ...June..., 1998.

[Signature]
Clerk

[Signature]
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-178
to Amend By-Law No. 6593

Planning and Development Department

Legend



BLK 1

"C" (Urban Protected Residential, etc.)
District, to "R-4" (Small Lot Single Family
Dwelling) District.



BLK 2

"AA" (Agricultural) District to "R-4" (Small Lot
Single Family Dwelling) District.

North



Scale
Not to Scale

Date
JUNE 1998

Reference File No.
ZAR-98-19

Drawn By

The Corporation of the City of Hamilton

BY-LAW NO. 98— 179

To Remove
Land within the "Tiffany, Phase 1" Subdivision, Plan 62M-846
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

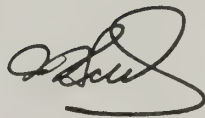
Lots 36 to 56, inclusive, within Registered Plan Number 62M-846, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on July 1, 1999.

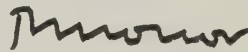
PASSED this 30th day of

June

A.D. 1998.



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 98-180

To Amend By-law No. 97-084

Respecting:

TARIFF OF PLANNING FEES

WHEREAS By-law No. 97-084 was enacted on April 29, 1997 to establish a Tariff of Planning Fees;

AND WHEREAS Section 2 of By-law No. 97-084 establishes fees for matters under the Rental Housing Protection Act;

AND WHEREAS the Rental Housing Protection Act has been repealed;

AND WHEREAS Council, on June 30, 1998, in adopting Section 25 of the 13th Report of the Planning and Development Committee, authorized this by-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Paragraph (i) of subsection (5) of Section 1 of By-law No. 97-084 is amended by deleting the words,

"where the Regional Municipality of Hamilton-Wentworth approves the plan"

2. Paragraph (ii) of subsection (5) of Section 1 of By-law No. 97-084 is amended by deleting the words,

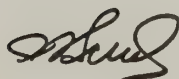
"for a building being converted to a condominium, to be approved by the City of Hamilton"

and substituting in lieu the words,

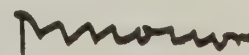
"for an existing residential rental building"

3. Section 2 of By-law No. 97-084 is repealed.
4. In all other respects By-law No. 97-084 is hereby confirmed unchanged.

PASSED this 30th day of June, 1998.



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98- 181

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 98-148

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS. 400 YORK BOULEVARD
AND 16 MAGILL STREET**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-148 on the 26th day of May, 1998 to rezone the subject lands from "E" (Multiple Dwellings, Lodges, Clubs etc.) District to "E"-'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified, for Block 1 and from "H" (Community Shopping and Commercial, etc.) District, modified to "G-3"-'H' (Public Parking Lots - Holding) District, modified, for Block 2, and to establish special requirements with respect to Blocks 1 and 2, the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 2 of By-law No. 98-148 provides that once a condominium has been registered on title to the lands known as 400 York Boulevard (Block 1) and 16 Magill Street (Block 2) and these lands have been included in the description and the declaration of the said condominium to the satisfaction of the Director of Planning and Development and the City Solicitor, the 'H' symbol shall be removed by amendment to By-law No. 98-148;

AND WHEREAS Inhibiting Orders to be registered on the title to the lands at 400 York Boulevard and 16 Magill Street will replace the 'H' symbol;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

AND WHEREAS City Council, at its meeting held on the 30th day of June, 1998 directed that By-law No. 98-148 be amended to remove the 'H' (Holding) symbol in respect of the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 98-148, passed on the 26th day of May, 1998, to the "E"-'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified for Block 1 and to the "G-3"-'H' (Public Parking Lots - Holding) District, modified, for Block 2, the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan annexed as Schedule "A" to By-law No. 98-148 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified and "G-3"(Public Parking Lots) District, modified, provisions of Zoning By-law No. 6593, subject to the special requirements referred to in sections 3 and 4 of By-law No. 98-148.

2. Sheet No. W-11 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 98-148, is further amended by changing from "E"-'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "1" and from "G-3"-'H' (Public Parking Lots - Holding) District, modified, to "G-3" (Public Parking Lots) District, modified, for Block 2, the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District and "G-3" District provisions, subject to the special requirements referred to in sections 3 and 4 of By-law No. 98-148.

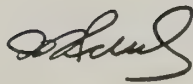
4. By-law No. 6593, as amended by By-law No. 98-148, is further amended by adding this by-law to section 19B as Schedule S-481e.

5. Sheet No. W-11 of the District Maps, as amended by By-law No. 98-148, is amended by marking the lands referred to in section 1. of this by-law, S-481e.

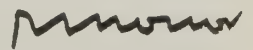
6. In all other respects, By-law No. 98-148 is hereby confirmed, unchanged.

PASSED this 30th day of June

A.D. 1998.



CITY CLERK

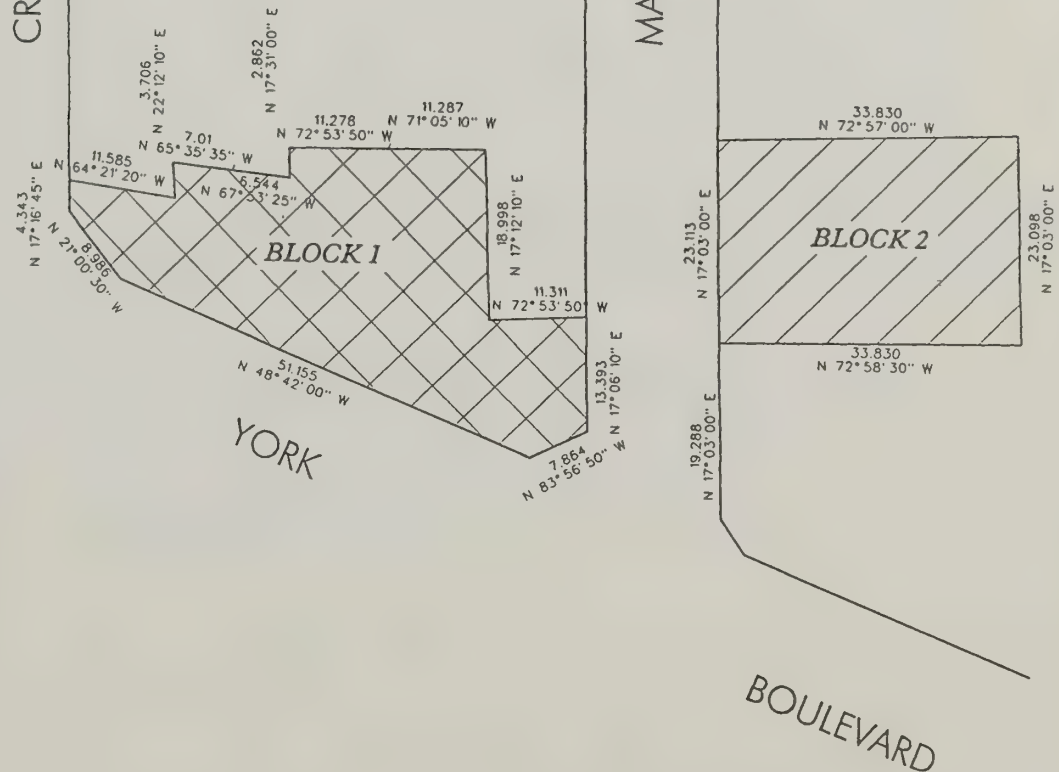



MAYOR

(1998) 13 R.P.D.C. , June 30
1210800 Ontario Limited, owner
ZAC-98-05

CROOKS STREET

MAGILL STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-181
 Passed the 30th day of June, 1998.

[Signature]
 Clerk

[Signature]
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 98-.....
 to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning From:

- BLK 1**
 "E" - "H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.
- BLK 2**
 "G-3" - "H" (Public Parking Lots - Holding) District, Modified to "G-3" (Public Parking Lots) District, Modified.

North



Scale
 Not to Scale

Date
 JUNE 1998

Reference File No.
 ZAC-98-05

Drawn By
 R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 182

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO.

237-247 CENTENNIAL PARKWAY NORTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-103 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified, the lands comprised in Block "1",

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands comprised in Blocks "1" and "2", shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A.(3)(a) of Zoning By-law No. 6593, no front yard setback shall be provided or maintained for the southerly building only on Block "2";
- (b) notwithstanding Section 14A.(3)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 4.5 m shall be provided and maintained to the westerly lot line;
- (c) notwithstanding Section 18A.(1)(d) of Zoning By-law No. 6593, a minimum of one loading space measuring 18.0 m x 3.7 m x 4.3 m shall be provided and maintained;

- (b) notwithstanding Section 14A.(3)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 4.5 m shall be provided and maintained to the westerly lot line;
- (c) notwithstanding Section 18A.(1)(d) of Zoning By-law No. 6593, a minimum of one loading space measuring 18.0 m x 3.7 m x 4.3 m shall be provided and maintained;
- (d) not more than one access driveway shall be provided and maintained along the easterly lot line;
- (e) not more than two access driveways shall be provided and maintained along the southerly lot line;
- (f) a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly lot line, except for the area used for an access driveway;
- (g) a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly 70.0 m of the southerly lot line, except for any area used for an access driveway.

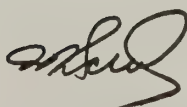
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1408.

5. Sheet No. E-103 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1408.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of June A.D. 1998

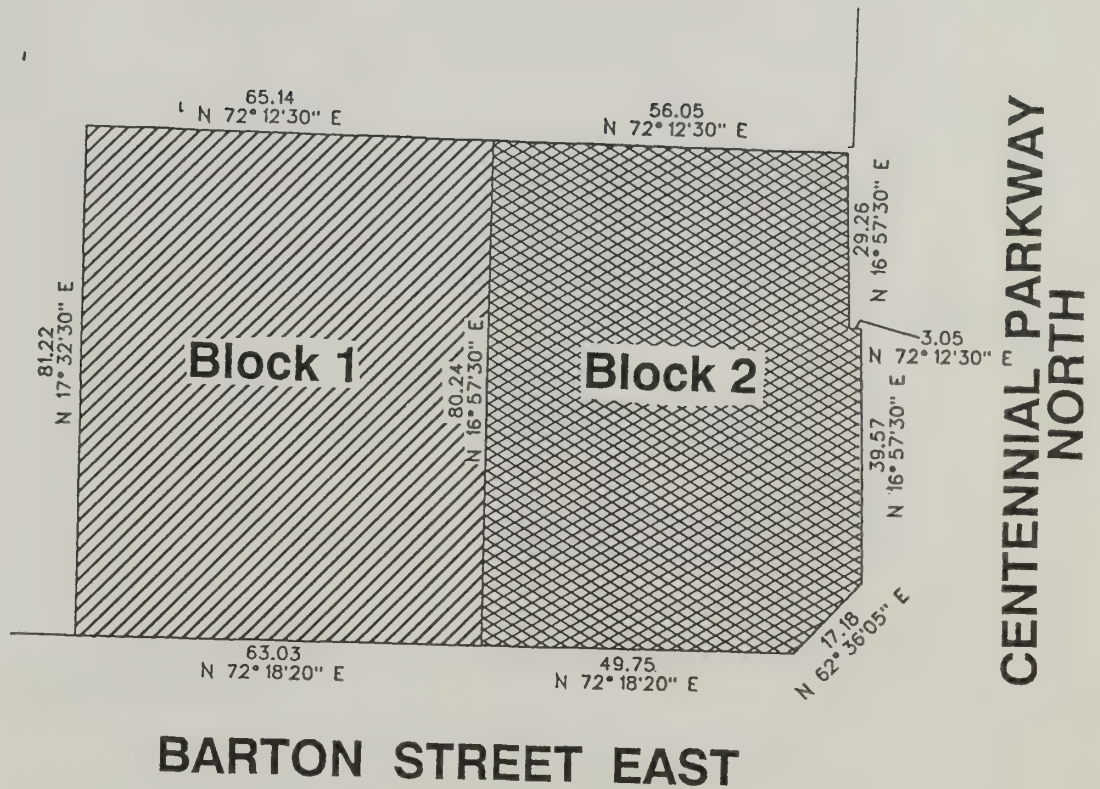


CITY CLERK



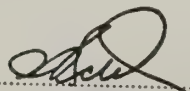

MAYOR

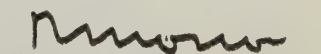
(1998) 13 R.P.D.C. 7, June 30
H.G.H. Developments Ltd. (A. DeSantis), Owner
ZAC-98-14



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-182...
 Passed the 30th day of June, 1998.


 Clerk


 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 98-182...

Planning and Development Department

Legend

BLOCK 1



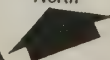
Change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified.

BLOCK 2



Modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District.

North



Scale
 Not to Scale

Date
 JUNE 1998

Reference File No.
 ZAC-98-14

Drawn By
 D.L.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98- 183

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

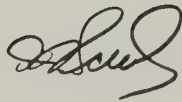
AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
- (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 30th day of June 1998, A.D.,



CITY CLERK



MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

- | | | |
|----|---|--|
| 1) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 9 ROBERT ST.
02 01565 3960
SURVEY J HUGHSON
PART LOT 15, 16 & 17
DECEMBER 10, 1997
VM240779
DECEMBER 10, 1998
\$34,515.54 |
| 2) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 928 KING E.
03 02635 0040
PLAN 413 PART LOT 15
AUGUST 18, 1997
LT465905
AUGUST 18, 1998
\$15,884.81 |
| 3) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 84 CANNON E.
02 01540 0560
SURVEY N HUGHSON PART LOT 25
JULY 23, 1997
VM239487
JULY 23, 1998
\$11,572.34 |
| 4) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 11 STRATHCONA N.
01 01035 0900
PLAN 46 L APT
JULY 23, 1997
LT461806
JULY 23, 1998
\$28,136.17 |
| 5) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 22 LOCKE S.
01 01015 1120
CON 2 PART LOT 18
JULY 23, 1997
VM239486
JULY 23, 1998
\$11,367.87 |
| 6) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 231 GAGE N.
03 02720 5130
CON 1 PART LOT 4
JULY 23, 1997
VM239485
JULY 23, 1998
\$269,329.91 |
| 7) | PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION
TAX ARREARS CERTIFICATE #
REDEMPTION DATE
TOTAL ARREARS | 8 LOCKE N.
01 01040 3220
PLAN 1435 BLOCK 1 RANGE 3
PART LOT 6
AUGUST 8, 1997
VM239732
AUGUST 8, 1998
\$40,151.18 |

8)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	15 AINSLIE 01 00410 2540 PLAN 1482 PART LOT 58 AUGUST 8, 1997 VM239733 AUGUST 8, 1998 \$11,296.23
9)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	249 VICTORIA N. 03 02160 0910 PLAN 90 PART LOT 15 & 16 AUGUST 8, 1997 LT465564 AUGUST, 1998 \$14,684.66
10)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	540 WOODWARD 05 05010 2480 PLAN 308 PART LOT 15 AUGUST 8, 1997 VM239729 AUGUST 8, 1998 \$146,747.74
11)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	490 NASH N. 05 04810 4170 CON 1 PART LOT 28 AUGUST 8, 1997 LT465570 AUGUST 8, 1998 \$206,044.87
12)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	9 WENTWORTH N. 03 02115 5700 PLAN 43 PT LOT 1 & 2 AUGUST 8, 1997 LT465573 AUGUST 8, 1998 \$18,485.43
13)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	11 REBECCA 02 01545 1120 SURVEY N HUGHSON PART LOT 49 & 50 AUGUST 8, 1997 VM239730 AUGUST 8, 1998 \$461,139.76
14)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	1430 MAIN E. 04 03430 6720 PLAN 579 LOT 8 PART LOT 7 AUGUST 8, 1997 LT465563 AUGUST 8, 1998 \$19,432.39
15)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION TAX ARREARS CERTIFICATE # REDEMPTION DATE TOTAL ARREARS	4 DARTNALL 06 05810 2490 CON 8 PART LOT 3 & 4 AUGUST 8, 1997 LT465572 AUGUST 8, 1998 \$13,141.38

24)	PROPERTY ADDRESS	71 ERIE
	SERIAL NUMBER	03 02050 1960
	BRIEF LEGAL DESCRIPTION	PLAN 173 PART LOT 20
	DATE OF REGISTRATION	AUGUST 18, 1997
	TAX ARREARS CERTIFICATE #	LT465901
	REDEMPTION DATE	AUGUST 18, 1998
	TOTAL ARREARS	\$10,833.40
25)	PROPERTY ADDRESS	352 EAST 36TH
	SERIAL NUMBER	07 06320 2150
	BRIEF LEGAL DESCRIPTION	PLAN 808 PART LOT 313
	DATE OF REGISTRATION	AUGUST 18, 1997
	TAX ARREARS CERTIFICATE #	LT465892
	REDEMPTION DATE	AUGUST 18, 1998
	TOTAL ARREARS	\$11,392.58
26)	PROPERTY ADDRESS	73 ERIE
	SERIAL NUMBER	03 02050 1930
	BRIEF LEGAL DESCRIPTION	PLAN 244 PART LOTS 20 & 21
	DATE OF REGISTRATION	AUGUST 18, 1997
	TAX ARREARS CERTIFICATE #	LT465899
	REDEMPTION DATE	AUGUST 18, 1997
	TOTAL ARREARS	\$10,758.60
27)	PROPERTY ADDRESS	1 SOMERSET
	SERIAL NUMBER	03 02650 2530
	BRIEF LEGAL DESCRIPTION	PLAN 48 PART LOT 1, 2 & 3
	DATE OF REGISTRATION	AUGUST 18, 1997
	TAX ARREARS CERTIFICATE #	LT465879
	REDEMPTION DATE	AUGUST 18, 1998
	TOTAL ARREARS	\$10,789.42

The Corporation of the City of Hamilton

BY-LAW NO. 98- 184

To Authorize

1998 DEBENTURE PROJECTS AND AMOUNTS

WHEREAS Section 147 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a municipality to incur debts for the purposes of the municipality;

WHEREAS Ontario Regulation 710/92 enacted under the authority of the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for a municipality's debt obligations which do not require the approval of the Ontario Municipal Board;

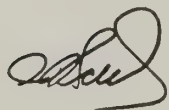
AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 1 of the 11th Report of the Committee of the Whole at its meeting held on May 14, 1998 authorized the projects appearing in Schedule "A" to this By-law;

AND WHEREAS the financial commitments, liabilities and debt charges of the projects listed in Schedule "A" and The Corporation of the City of Hamilton's other debts and debt charges will not exceed the City's debt limit as specified by the Municipal Act and Regulation 710/92;

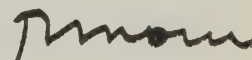
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The projects listed in Schedule "A", attached to and part of this By-law, are hereby approved.
2. The City Treasurer is authorized to arrange the issuance of the necessary debentures to a maximum of \$12,877,000.00 for a term not to exceed ten years by The Regional Municipality of Hamilton-Wentworth and chargeable to the City.
3. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to this By-law.

PASSED this 30th day of June , 1998.



CITY CLERK



MAYOR



SCHEDULE "A" TO BY-LAW NO. 98- 184

	<u>Project</u>	<u>Gross Cost</u>	<u>Reserve Financing</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
3.0	City Places - Downtown - Capital Contribution	\$ 1,500,000	NIL	\$ 1,500,000	10 years
12.1	Risk Management - Various Facilities	\$ 110,000	NIL	\$ 110,000	10 years
14.1	Chedoke Twin Pad Arena - Remedial & Operational Improvements	\$ 250,000	NIL	\$ 250,000	10 years
17.1	City Hall - 1998 Retrofit - Phase I	\$ 250,000	NIL	\$ 250,000	10 years
22.0	Hamilton Steam & Technology Museum Operational Improvements	\$ 440,000	NIL	\$ 440,000	10 years
37.0	Military Museum & Dundurn Pavilion Re-Roofing	\$ 95,000	NIL	\$ 95,000	10 years
53.0	CUP - Repairs to Main Heating Boilers	\$ 100,000	NIL	\$ 100,000	10 years
132.0	Locke Street Bridge - Roadway Maintenance	\$ 40,000	NIL	\$ 40,000	10 years
133.1	Railway Crossing - HI Rail Installation	\$ 60,000	NIL	\$ 60,000	10 years
138.0	Downtown Hamilton Improvement Plan Phase II	\$ 1,760,000	\$ 228,000	\$ 1,532,000	10 years
145.1	Roadways and Sidewalks Reconstruction Program	\$ 6,519,000	NIL	\$ 6,519,000	10 years
215.0	Corporate Financial Information System	<u>\$ 5,500,000</u>	<u>\$ 3,519,000*</u>	<u>\$ 1,981,000</u>	10 years
		<u>\$16,624,000</u>	<u>\$ 3,519,000</u>	<u>\$12,877,000</u>	

* Reserve and Other Source Funding

The Corporation of the City of Hamilton

BY-LAW NO. 98-185

To Replace Schedule 17 of Licensing By-law No. 79-323

As Consolidated in By-law No. 93-069

Respecting:

SALVAGE AND SECOND-HAND GOODS BUSINESSES

WHEREAS Schedule 17 to Licensing By-law No. 79-323, as consolidated in By-law No. 93-069 provides for the licensing of salvage and second-hand goods businesses;

AND WHEREAS it is desirable to amend the requirements for salvage and second-hand goods licences, and enact a consolidated Schedule 17;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Schedule 17 of By-law No. 79-323, as consolidated in By-law No. 93-069 and as amended in By-law No. 93-152, be repealed, and the following enacted in its place:

"

SCHEDULE 17

SALVAGE AND SECOND-HAND GOODS BUSINESSES

Application of Schedule

- 1.(1) The provisions of this Schedule shall not be deemed,
 - (a) to apply to the business of buying and selling articles being antiques or works of art; or
 - (b) to require the reporting of the purchase or sale of waste paper, rags, bones or bottles, or of used tires, or of ferrous metal scrap which is obviously scrap, or to require the retention of any such goods for any specified period, but the exception provided in this clause does not extend to any motor vehicle or part thereof.
- (2) For the purpose of this Schedule a salvage yard includes an automobile wrecking yard or premises.
- (3) The provisions of subsection 2(1) do not apply to any person engaged in the business for patriotic or charitable purposes.
- (4) The provisions of section 4, and clauses 6(a) and 6(d) do not apply to a person who deals in second-hand goods, only to the extent of receiving traded-in articles the value of which are applied on account of the purchase price of new goods of a like kind being sold in the usual course of the business to the owner of such second-hand goods.

(5) For the purposes of this Schedule the following definitions shall apply:

- (a) "*antiques*" means furniture and other goods or articles commonly recognized as collectable because of their quality, value or age, and reproductions of such items, but not including jewellery, precious gems, time pieces, musical instruments, tools, cameras, camera components, or coins;
- (b) "*electronic components*" includes stereos, televisions, compact disk players, video players and recorders, facsimile machines, computers, video cameras, and their components;
- (c) "*jewellery*" means articles of personal adornment made in whole or part of silver, gold or platinum metal;
- (d) "*salvage or second-hand goods shop or yard*" means premises used for the collection, storage, or buying of used manufactured or processed goods, materials or parts, including automobiles or auto parts, whether or not they are further recycled, repaired or salvaged, and which in whole or part are sold or offered for sale by retail;
- (e) "*works of art*" means paintings, photographs, sculpture and other products of artisans commonly recognized as collectable because of their quality or value, but not including jewellery, precious gems, time pieces or coins.

Licence Required

- 2.(1) No person shall carry on or engage in the business of a salvage or second-hand goods shop or yard without a licence under this by-law entitling him so to do.
- (2) Every person required to obtain a licence shall obtain a separate licence with respect to each and every shop, store, yard or other premises used for the transaction of business or for receiving, keeping or storing salvage or second-hand goods.
- (3) Despite subsection (1), only persons buying or selling second-hand jewellery, precious gems, time pieces, musical instruments, tools, coins, auto parts, cameras or electronic components require a licence under this Schedule.
- (4) An applicant, whose business is either transient or non-resident in Hamilton, shall apply for a licence or renewal of licence at least thirty days in advance of commencing to trade in Hamilton.
- 3. Any licence required under this Schedule may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified, and no person shall deal in any class of second-hand goods not covered by their licence.

Record Book and Reports

- 4.(1) Every person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall, without delay, at the time when any salvage or second-hand goods are purchased, taken in exchange, received on consignment or otherwise received or acquired in any manner whatsoever, enter in the Record Book in ink or indelible pencil and in a plain and easily readable hand and in the English language, a record of all such salvage and second-hand goods (except used motor vehicle tires), the date and time, the price or other consideration given, and the name and address of the person from whom they were so purchased, taken in exchange or otherwise obtained, together with the current licence number of the motor vehicle, if any, in which such salvage or second-hand goods were brought; and, in the case of tools

purchased or otherwise obtained, the record shall include a proper description of the same, including the name of the manufacturer, and the identifying number or initials, if any.

(2) Every person carrying on or engaging in any of the said businesses shall deliver at the office of the Chief Constable before two o'clock in the afternoon daily, except on Sundays and public holidays, a true copy of the entries in the Record Book relating to all such transactions which have taken place since the transaction last so reported; and whenever there is reason to suspect that any goods or articles may have been stolen, all readily ascertainable particulars of the same and of the person offering the same shall be included in the said report.

(3) Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall treat goods redeemed on pawn tickets as purchased and so entered in the Record Book; and in the case of a used motor vehicle or wrecked motor vehicle purchased, taken in exchange or otherwise obtained, there shall be entered in the Record Book the name of the maker, all serial numbers and the current or previous year's motor vehicle licence number, if any.

(4) The said Record Book shall be and remain the property of the City and shall be returned to the City by the licensee at any time on demand, and in any event immediately before the expiry of the licence, whether by revocation or otherwise; and the licensee shall take all necessary precautions to guard against its loss, destruction or mutilation.

(5) When any Record Book is delivered to the City at any time during currency of the licence, the secretary shall supply to the licensee another Record Book which shall be kept and used in the same manner by the licensee at all times while he is without the former Book.

(6) All information in said Record Books and Reports shall be confidential to the City, the Chief Constable and those members of the police force authorized to peruse the same and shall not be communicated to any other person except as it may be required to be given in evidence.

Identification and Purchasing from Minors

5. No person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall directly or indirectly purchase from, exchange with or receive in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any salvage or second-hand goods.

Miscellaneous Regulations

6. Every person carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall be responsible:

(a) *Period of Retention of Goods.* That all salvage and second-hand goods purchased, taken in exchange or otherwise obtained, including goods obtained from a dealer in second-hand goods, shall be retained in unchanged condition and exposed to public view in the licensee's shop or yard within the City of Hamilton for a period of at least thirty days thereafter, and that the same shall be kept clearly separated in location during the whole of such period, from all goods previously purchased, and that none of the same shall be sold or otherwise disposed of until after the expiration of the said period, but where the business licensed is transient or non-resident in Hamilton, the terms of this clause otherwise apply except that the period of retention

shall be at least sixty days and that the goods shall be at a location in Hamilton accessible between the hours of 9 a.m. and 5 p.m. local time;

(b) *Place of Storage.* That no salvage or second-hand goods are stored or kept anywhere but at the shop or yard in the City of Hamilton either within a building or within a properly fenced enclosure, that no waste paper or any material likely to blow about the streets is allowed to be deposited or remain where it can do so, and that the whole premises and all salvage and goods therein are kept clean and orderly;

(c) *Soliciting on Highway.* That there is no soliciting of business from any person that is on a public highway;

(d) *Hours of Business.* That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose;

(e) *Identification.* That persons attempting to sell or trade second-hand goods or salvage first be required to produce a valid, government-issued piece of identification, and have a head-and-shoulders photograph or video tape taken in sufficient clarity for later identification of the customer. Persons carrying on or engaging in the business of a salvage or second-hand goods shop or yard shall not complete the transaction until they obtain such identification and photograph from the customer and shall further be responsible for taking and maintaining copies of the identification and photos taken, with a reference to the transaction as contained in the Record Book; and

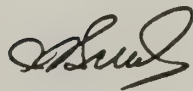
(f) *Period of Retention of Photographs Taken for Identification Purposes.* That all photographs taken for the purposes of identification of customers under clause (e) be retained, for sixty days in the case of a business transient or non-resident in Hamilton, and for thirty days in the case of all other businesses.

7. The licence fees are provided in section 17 of Schedule 45 of this by-law."

2. (1) This by-law comes into force and effect on the date of enactment.

(2) In all other respects By-law No. 93-069 as amended is confirmed without change.

PASSED this 30th day of June A.D. 1998.



CITY CLERK




MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 186

To Appoint:

AN ACTING CLERK

WHEREAS Sub-section 73(3) of the Municipal Act, R.S.O. 1990, Chapter M.45 provides as follows:

73(3) When the office of Clerk is vacant or the Clerk is unable to carry on his/her duties through illness or otherwise, the Council may appoint a temporary Acting Clerk who shall have all the powers and duties of the Clerk under this and every other Act.

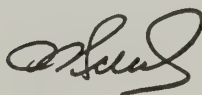
AND WHEREAS it is intended to provide for the continuance of the normal operations of the Clerk's Department and the duties of the Clerk during the absence of the Clerk through illness or otherwise, including vacation.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Either of Stanley G. Hollowell or Kevin C. Christenson is appointed Acting Clerk and shall assume the duties and responsibilities during the absence of the Clerk through illness or otherwise, including vacation.
2. By-law No. 92-064 is hereby repealed.

PASSED this 30th day of June

A.D., 1998



CITY CLERK



MAYOR



BY-LAW NO. 98 - 187

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30th DAY OF JUNE, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

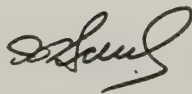
AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of June 1998



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-188

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That Sections 33a(5) and 34b(7) of By-law 89-72, as amended, is hereby further amended by deleting therefrom the amount "\$2.00" and by inserting in its place the amount "\$3.00".
2. That Schedule 26 (No Parking Areas) of said By-law is hereby amended by adding thereto the following item, namely:-

"Emerald	East	Wilson to Cannon	Anytime."
----------	------	------------------	-----------
3. That Schedule 27 (Alternate Side Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Emerald	East	West
Main Street East to Wilson Street		
Emerald	East	West."
Cannon Street East to Robert Street		

and by deleting therefrom the following item, namely:-

"Emerald	East	West."
Main to Robert		
4. That Schedule 34 (Sticker Permit Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Clinton	North commencing 140 feet east of Barnesdale and extending 19 feet easterly therefrom	Anytime
----------	--	---------

Fairfield East commencing 127 feet south of Barton and
extending 20 feet southerly therefrom

Anytime."

and by deleting therefrom the following item, namely:-

"Cumberland South commencing at a point 145 feet west of
the west curb line of Norway to a point
21 feet westerly therefrom

Anytime."

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.
6. This By-law shall come into force and take effect on the date of its passing and enactment.

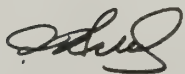
PASSED this

7th

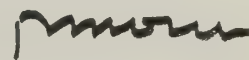
day of

July

1998.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-189

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Veevers	Westbound	Ambrose
Fano	Northbound	Supreme."
2. That **Schedule 12 (One Way Streets)** of said By-law be amended by deleting therefrom the following item, namely:-

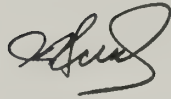
"Cline	Easterly	180 ft. W of King	King."
--------	----------	-------------------	--------
3. That **Schedule 31 (School Bus Loading Zones)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Cumberland South 296 feet .	47 feet west of the west	7:00 a.m. - 6:00 p.m.
	curb line of Prospect	Monday to Saturday."
4. That **Schedule 38 (Highways Restricted By Class of Vehicle)** of said By-law be amended by adding thereto the following item, namely:-

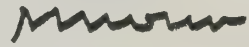
"Cline	commencing at King and extending 180 feet	Westbound."
	westerly therefrom	
5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

6. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 7th day of July 1998.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-190

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

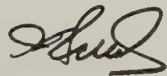
AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by adding thereto the following item, namely:-
"Julian Northbound and Southbound Roxborough."
2. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
3. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 7th day of July 1998.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-191

To Amend:

Local Improvement By-Law No. 10605

Respecting:

**REVISED COSTS TO THE CORPORATION
FOR THE INSTALLATION OF LOCAL IMPROVEMENTS**

WHEREAS By-Law No. 10605, passed on the 15th day of December, 1964, as amended by By-Laws Nos. 67-150, 73-72, 80-127, 80-156, 82-40, 83-75, 84-41, 85-70, 86-78, 88-096, 89-76, 90-49, 91-16, 92-102, 93-002, 94-002, 96-057 and 97-024 provides for the undertaking of local improvements in accordance with the Local Improvement Act;

AND WHEREAS subsection 4a of section 13 of said By-Law No. 10605, as amended, provides for the local improvement rates to be charged against abutting lands for work done under the Local Improvement Act;

AND WHEREAS By-Law No. 97-024, passed on the 11th day of February, 1997 repealed subsection 4a of section 13 to By-Law No. 10605, as amended, and re-enacted a new subsection 4a to section 13 to provide for increased maximum local improvement rates, chargeable on a per metre frontage basis against abutting lands for work done under the Local Improvement Act;

AND WHEREAS City Council, on February 24, 1998, in adopting Item 23 of the 4th Report of the Transport and Environment Committee directed that the maximum local improvement charges per metre of frontage be increased as hereinafter provided;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subsection 4a of section 13 of By-Law No. 10605, as re-enacted by By-Law No. 97-024, is repealed and the following substituted therefore:

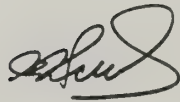
(4a) The chargeable amount per metre frontage referred to in clause (a) of subsection 4 shall be as follows:

1. For curbs only at the rate of \$73.00 per metre frontage.
2. For sidewalks only at the rate of \$103.00 per metre frontage.
3. For sidewalks and independent curbs or combined sidewalks and curbs, at the rate of \$149.00 per metre frontage.
4. For roadway only, at the rate of \$255.00 per metre frontage.
5. For alleys, at the rate of \$107.00 per metre frontage.
6. For roadway and curbs only in industrial subdivisions, at the rate of \$336.00 per metre frontage.

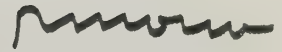
2. In all other respects By-Law No. 10605, as amended, is hereby confirmed, unchanged.

PASSED this 7th day of July

A.D. 1998.



CITY CLERK



MAYOR

(1998) 1 R.T.E.C. 23, February 24

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-192

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

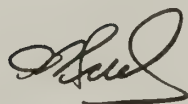
AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

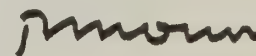
1. That **Schedule 34 (Permit Parking)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"John	East	commencing 85 feet north of Strachan	Anytime"
		and extending to a point 20 feet northerly	
		therefrom.	
2. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.
3. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 7th day of July 1998.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-193

BEING A BYLAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council for the Corporation of the City of Hamilton enacts as follows:

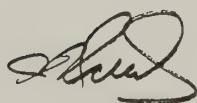
1. That **sub-section 1** of **Section 33a** of By-law 89-72, as amended, is hereby further amended by deleting therefrom paragraph (b) in its entirety.
2. That **sub-section 11** of **Section 33a** of said By-law is hereby amended by deleting therefrom the phrase "specified under subsection 7", and by substituting in its place the phrase "in a block designated in schedule 34".
3. That **sub-section 12** of **Section 33a** of said By-law is hereby amended by deleting therefrom the phrase "specified under subsection 7 and on", and by substituting in its place the word "in".
4. That **Section 33a** of said By-law is hereby amended by adding thereto the following sub-section, namely:-
 - "15. Notwithstanding that a block has been listed in Schedule 34, and notwithstanding that a permit has been issued and is in force;
 - (a) nothing in this section shall cause any other regulation under this By-law to cease to be in force and effect; and,
 - (b) nothing in this section shall exempt any person to whom a permit has been issued from any other regulation under this By-law."
5. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Bay	West	Simcoe to Burlington	Anytime
Bay	West	commencing 100 feet south of Burlington and extending southerly to Leander	Anytime
Burlington	Both	James to Bay	Anytime
Ferrie	Both	James to Nichol	Anytime

Guisse	South	commencing 100 feet west of James and extending westerly to MacNab	Anytime
Leander	Both	MacNab to the westerly end	Anytime
Macauley	Both	commencing 118 feet west of James and extending to Bay	Anytime
Macauley	North	James to a point 228 feet west of MacNab	Anytime
Macauley	North	commencing 225 feet west of MacNab and extending westerly to Bay	Anytime
MacNab	East	Strachan to Guisse	Anytime
Marsh	Both	Simcoe to the southerly end	Anytime
Nichol	Both	Ferrie to Picton	Anytime
Picton	Both	James to the westerly end	Anytime
Simcoe	Both	MacNab to the westerly end	Anytime
Simcoe	South	James to MacNab	Anytime
Strachan	South	MacNab to Bay	Anytime
Strachan	South	commencing 64 feet east of MacNab and extending to a point 200 feet west of James	Anytime
Strachan	South	commencing at James and extending 100 feet westerly therefrom	Anytime
Wood	Both	James to Bay	Anytime"

6. That in all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed as unchanged.
7. That this By-law shall come into force and take effect at 5:00 p.m. on the 15th day of July, 1998.
8. That **Section 5** of this By-law shall be revoked and shall cease to be in force and effect at 11:59 p.m. on the 19th day of July, 1998.

PASSED this 7th day of July 1998.



CITY CLERK




MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98—194

To Remove

Land within the "Rymal Estates" Subdivision, Plan 62M-679
and "Paradise Gates Estates, Phase 1" Subdivision, Plan 62M-750
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of creating six (6) lots having a minimum width of 12.2 m fronting onto Spadara Drive and a minimum lot area of 360 square metres, shall not apply to the following lands:

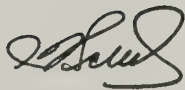
Block 140 within Registered Plan 62M-679 and Block 27 within Registered Plan 750, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on July 1, 1999.

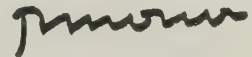
PASSED this 7th day of

July

A.D. 1998.



City Clerk



Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98-1 95

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED ON THE EAST SIDE OF HUGHSON STREET NORTH,
NORTH OF WILSON STREET AND KNOWN MUNICIPALLY AS
41 AND 51 WILSON STREET AND 99 JOHN STREET NORTH**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-4 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "RT-30" (Street - Townhouse) District, the land,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-30" (Street - Townhouse) District provisions, as contained in Section 10F. of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10F.(3) of Zoning By-law No. 6593, a maximum height of four (4) storeys shall be permitted;
- (b) notwithstanding Sections 10F.(4)(b) and (c) of Zoning By-law No. 6593, a minimum 6.0 metres rear yard and 1.5 metres side yards shall be provided and maintained;
- (c) notwithstanding Section 10F.(4)(a) and (b) of Zoning By-law No. 6593, a minimum 5.3 meters front yard and rear yard shall be provided and maintained for every cantilevered portion of the building within a bay, alcove and fourth storey.
- (d) notwithstanding Section 10F.(6) of Zoning By-law No. 6593, a minimum lot area of 130.5 square metres and a minimum lot width of 5.8 metres shall be provided and maintained for each single family dwelling unit;

- (e) notwithstanding Section 10F.(9) of Zoning By-law No. 6593, not more than nine (9) single family dwellings shall be attached in a continuous row;
- (f) notwithstanding Section 18.(3)(vi)(e) of Zoning By-law No. 6593, the uncovered front porch may extend 1.4m above the floor level of the first storey;

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" District, subject to the special requirements referred to in section 2.

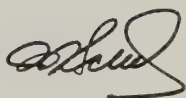
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1404.

5. Sheet No. E-4 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1404.

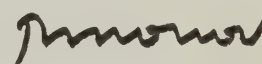
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 7th day of July

A.D. 1998

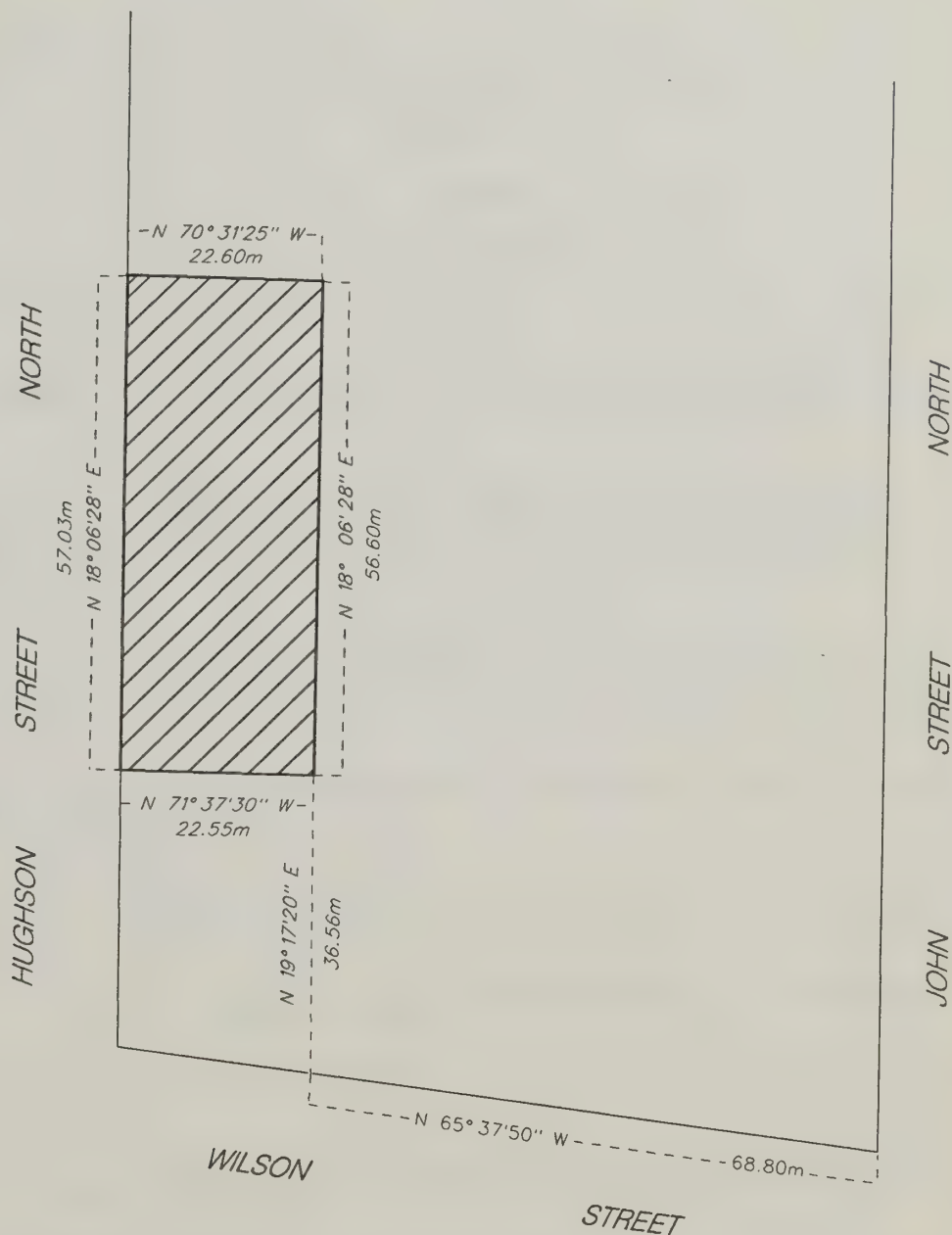


CITY CLERK

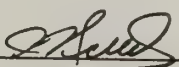
MAYOR

(1998) 9 R.P.D.C. 1, May 12
 (1998) 13 R.P.D.C. 28, June 30
 Giovanni (John) Fortino, Owner
 Amended ZAC-98-08



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-195
Passed the 7th day of July, 1998.


Clerk


Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-195

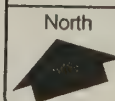
to Amend By-Law No. 6593

Planning and Development Department

Legend



Change in Zoning from: "H"
(Community Shopping and Commercial, etc.)
District to "RT - 30"
(Street Townhouse) District



Scale
NOT TO SCALE

Date
May, 1998

Reference File No.
ZAC-98-08

Drawn By
JSims

The Corporation of the City of Hamilton

BY-LAW NO. 98-1 96

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED NORTH OF STONE CHURCH ROAD WEST,
WEST OF WEST FIFTH STREET AT THE SOUTH END OF ANNABELLE STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

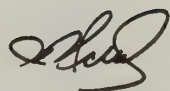
1. Sheet No. W-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

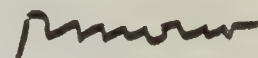
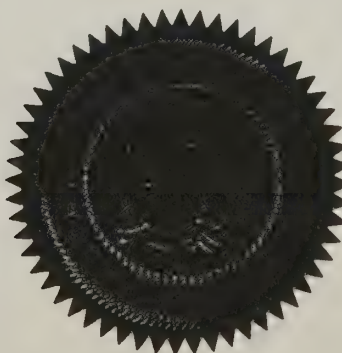
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 7th day July A.D. 1998.



CITY CLERK



MAYOR

(1998) R.P.D.C. ,July
J. Zaborsky, owner.
ZAC-98-15

The Corporation of the City of Hamilton

BY-LAW NO. 98-197

To Adopt:

Official Plan Amendment No. 151

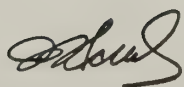
Respecting:

**PROTECTION OF THE RENTAL HOUSING STOCK
WITHIN THE CITY OF HAMILTON**

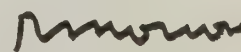
The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 151 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 7th day of July A.D. 1998



CITY CLERK



MAYOR

Amendment No. 151

to the

City of Hamilton Official Plan

Purpose:

The purpose of this Amendment is to establish policies in the Official Plan to protect the supply of rental housing.

Location:

This is a general Amendment to the Plan and will be applicable to the entire City of Hamilton.

Basis:

The basis for this Amendment is to protect the supply of the rental housing stock of apartment buildings and townhouse complexes with six units or more within the City. This is to be accomplished by identifying criteria under which conversions to condominium and demolitions can occur. These criteria include the following:

- 1) Maintaining a rental vacancy rate of at least 2.0% in the City of Hamilton and respective local housing market zone. A vacancy rate of between 2.0% and 3.0% is considered by Canada Mortgage and Housing Corporation as indicative of a healthy, competitive rental marketplace;
- 2) Identifying the impact (i.e., changes to the rental vacancy rate) of the removal of these rental units from the rental housing stock;
- 3) Ensuring the market rents of occupied units within the building/complex are not below the overall average of market rents for occupied units across the City of Hamilton by structure/dwelling type and bedroom type.
- 4) For proposed demolitions, requiring structural audits to determine if the building is structurally unsound or satisfy the rental vacancy rate and average market rent criteria; and,
- 5) Introducing a new schedule to delineate the specific local housing market zones to assist in the evaluation of proposed conversions to condominium or demolitions.

Actual Changes:

1. The following new policies be added to Subsection C.7 - Residential Environment and Housing Policy:

- C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:
- i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;
 - ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;
 - iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.
- C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:
- i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
 - ii) the criteria as set out in Policy C.7.11.
- C.7.13
- i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).
 - ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:
 - a) Downtown/Central Hamilton
 - b) Central East Hamilton
 - c) East Hamilton
 - d) West Hamilton

e) Hamilton Mountain

2. The Schedule "K" - Local Housing Market Zones be incorporated into the Official Plan.

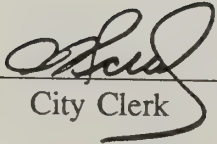
Implementation:

The provisions of Section D - Implementation of the Official Plan will apply.

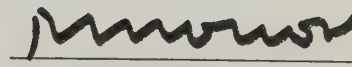
This is Schedule "1" to By-law No. 98- 197 , passed on the 7th day of July , 1998.

The Corporation of the

City of Hamilton



City Clerk



Mayor



amendment no. 151
to the
official plan
for the
city of hamilton

Legend

to add new schedule
to the official plan

Date	Drawn by	Reference File No.

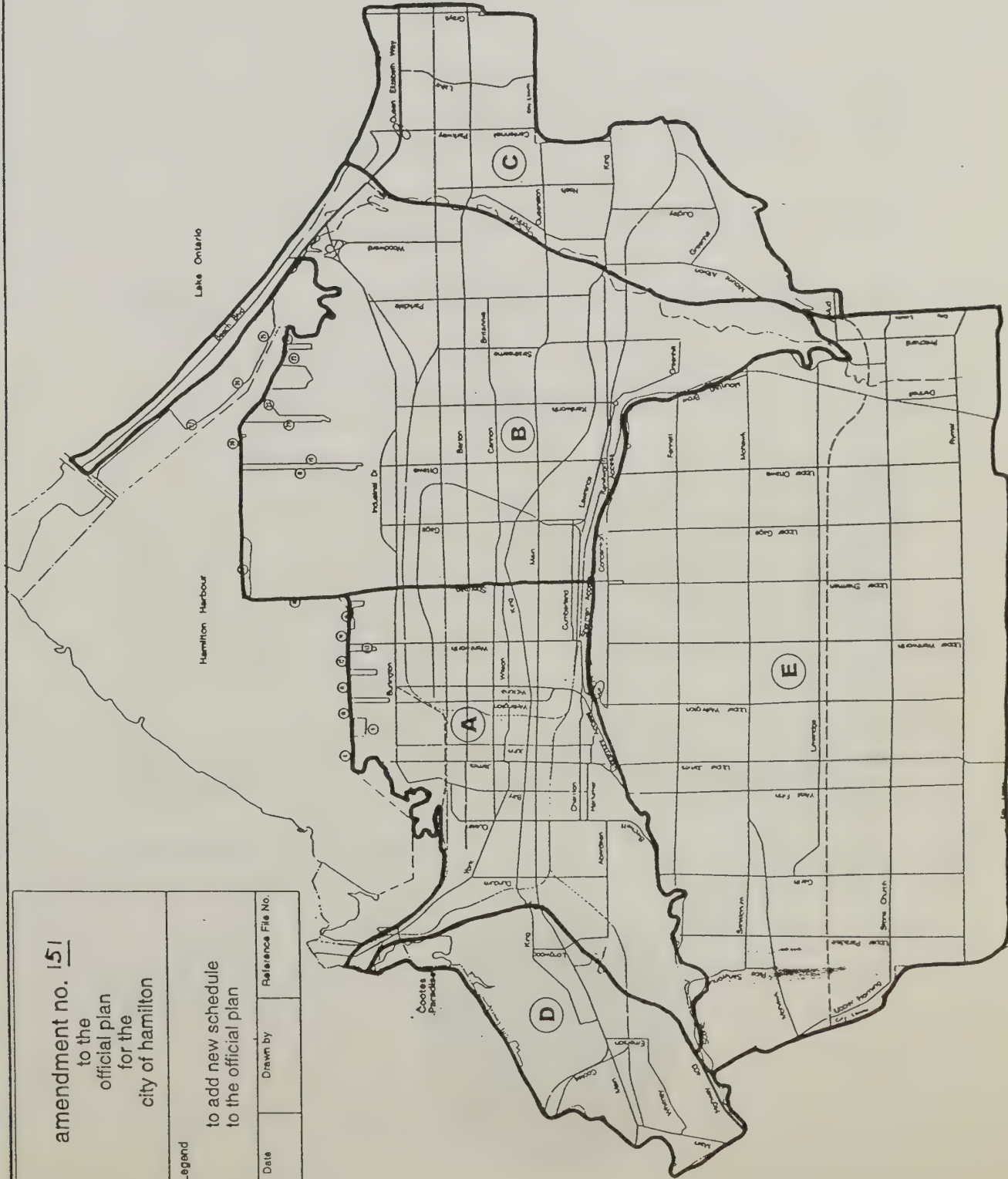
Local Housing Market Zones

- A** Downtown / Central
Hamilton
- B** Central East Hamilton
- C** East Hamilton
- D** West Hamilton
- E** Hamilton Mountain

schedule K

to the official plan
for
the city of hamilton

98 04 08



The Corporation of the City of Hamilton

BY-LAW NO. 98-198

Respecting:

APPOINTMENT OF AN EXTERNAL AUDITOR

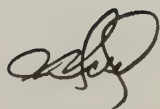
WHEREAS Section 86(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes City Council to appoint one or more auditors who are licensed under the Public Accountancy Act for a term of five years or less;

AND WHEREAS the Council of The Corporation of the City of Hamilton on _____, in adopting Item _____ of the Report of the Finance and Administration Committee appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor for the year ending December 31, 1998;

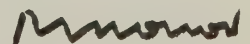
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The firm of MacGillivray Partners is appointed as The Corporation of the City of Hamilton's external auditor until December 31, 1998.
2. The firm of MacGillivray Partners shall also complete the 1998 Financial Report for The Corporation of the City of Hamilton.
3. The duties of the auditor shall include auditing the accounts and transactions of The Corporation of the City of Hamilton, every local board of The Corporation of the City of Hamilton, as defined by the Municipal Affairs Act, the Hamilton Entertainment and Convention Facilities Incorporated, the Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, The Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton.
4. The fee payable to the auditor shall be \$114,665 for 1998. The fee shall be reduced if the hours actually spent are less than anticipated by the City and the auditor. All disbursements are included as part of the regular fee.

PASSED this 7th day of July, 1998.



City Clerk



Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98-199

To Provide For:

**THE PROVISION OF FLEET SERVICES TO THE
HAMILTON SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

WHEREAS City Council wishes to provide fleet services, including general maintenance and repair, to The Hamilton Society for the Prevention of Cruelty to Animals;

AND WHEREAS the City is authorized to provide, by-law, for the use by any person of the employees or mechanical equipment of the municipality pursuant to the Municipal Act, R.S.O. 1990, Ch. M-45, as amended, Section 207 (23);

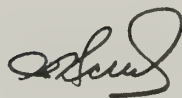
AND WHEREAS Council, on July 7th, 1998, authorized the Provision of Fleet Services to the Hamilton Society for the Prevention of Cruelty to Animals.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The City of Hamilton agrees to provide fleet services, including general maintenance and repair services, for vehicles owned and operated by The Hamilton Society for the Prevention of Cruelty to Animals, subject to the terms, conditions and charges set out in this by-law.
2. The terms, conditions and charges applicable to all fleet services provided by the City of Hamilton to The Hamilton Society for the Prevention of Cruelty to Animals, shall be:
 - a) Services shall be provided through the Fleet Services Division of the Department of Public Works and Traffic;
 - b) The Hamilton Society for the Prevention of Cruelty to Animals shall receive services for its vehicles in the same fashion, and to the same extent as are provided, from time to time, by the Fleet Services Division with respect to City of Hamilton vehicles;
 - c) Service upon City of Hamilton vehicles, and other City of Hamilton operational considerations, shall, at all times, have priority over the provision of services to The Hamilton Society for the Prevention of Cruelty to Animals;
 - d) The Hamilton Society for the Prevention of Cruelty to Animals shall be charged for these services at the same hourly rate charged by Fleet Services Division for internal City budget purposes, as that rate exists from time to time, for the provision of the same services with respect to City of Hamilton vehicles;
 - e) The City shall provide insurance coverage for vehicles of The Hamilton Society for the Prevention of Cruelty to Animals while in the possession of the City;

- f) The City may terminate this arrangement at any time, without notice, subject only to the completion of any work in progress on vehicles of The Hamilton Society for the Prevention of Cruelty to Animals; and
 - g) The Hamilton Society for the Prevention of Cruelty to Animals may terminate this arrangement at any time, without notice, subject only to the payment of any charges incurred for services completed or commenced up to the time of termination.
3. The Commissioner of Public Works and Traffic shall supervise this arrangement on behalf of the City of Hamilton.

PASSED this 7th day of July, 1998.



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98-200

To Authorize:

A BY-LAW TO REDUCE APPROVED DEBENTURE AMOUNTS

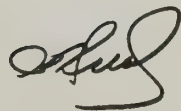
WHEREAS Council, on June 24, 1997, in adopting Section 14 of the 14th Report of the Finance and Administration Committee, authorized the use of internal financing for the projects listed on Schedule "A" to this By-law;

AND WHEREAS the previously approved debenture authorization for the projects listed on Schedule "A" is required to be revised as a result of using the internal financing;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The approved capital debenture financing amount for the Projects listed in Column 1 of Schedule "A" of this By-law is reduced to the figure shown in column 2 of Schedule "A".
2. The proper Officials of The Corporation of the City of Hamilton are hereby directed to do all such things necessary to give effect to this By-law.

PASSED this 7th day of July 1997.



CITY CLERK



MAYOR

PROJECT		SCHEDULE "A"		DEBENTURE FUNDING
BUILDING & RECREATION DEPARTMENT:				
1.	BARRIER FREE DESIGN ACCESS - Recreation Buildings (Infrastructure)			\$ 0
2.	BARRIER FREE DESIGN ACCESS - Recreation Buildings (Infrastructure)			\$ 0
3.	BARRIER FREE DESIGN ACCESS - City owned Buildings (Infrastructure)			\$ 0
PROPERTY DEPARTMENT:				
4.	CITY HALL - REPLACE EXISTING CHILLERS & ASSOCIATED EQUIP (Infra.)			\$ 0
5.	MOUNTAIN COMPOSITE - ROOF REPLACEMENT			\$ 0
6.	MAGNAB RECREATION CENTRE - BUILDING ENVELOPE REPAIRS			\$ 0
7.	BARRIER FREE DESIGN ACCESS - RECREATION BUILDINGS			\$ 0
FIRE DEPARTMENT				
8.	RENOVATE THE FIRE STATION AT WOODWARD AND MELVIN (Infra.)			\$ 0
CULTURE & RECREATION DEPARTMENT:				
9.	DUNDURN CASTLE RESTORATIONS S. & W. facades including Dovecote & Stables			\$ 0
PUBLIC WORKS & TRAFFIC				
10.	ROAD & SIDEWALK RECONSTRUCTION PROGRAM - Local Roads - Phase I			\$ 0
11.	ROAD & SIDEWALK RECONSTRUCTION PROGRAM			\$3,471,951
12.	QUEEN STREET STEPS - CONSTRUCTION			\$ 0
13.	ROAD & SIDEWALK RECONSTRUCTION PROGRAM (Infrastructure)			\$ 0
14.	ROAD & SIDEWALK RECONSTRUCTION PROGRAM (Infrastructure)			\$ 0
15.	ROAD & SIDEWALK RECONSTRUCTION (Infrastructure)			\$ 0
16.	MOHAWK SPORTS PARK			\$ 0
17.	BASEBALL FACILITIES DEVELOPMENT			\$ 0
18.	CONSTRUCT GAGE PARK FACILITIES BUILDING			\$ 0
19.	T.B. MCQUESTON PARK			\$ 0
20.	CHEDOKE MOUNTAIN STEPS			\$1,140,666
21.	LIGHTING SAFETY - IMPROVEMENTS			\$ 0
22.	CROWN POINT EAST MCANULTY - PHASE VI			\$ 0
23.	GORE PARK WALKWAY RESTORATION			\$ 0
24.	PLAYSTRUCTURE DEVELOPMENT (Infrastructure)			\$ 0
25.	CREATIVE PLAYGROUND			\$ 0

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98- 201

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 7th day of July 1998, A.D.,



CITY CLERK



MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

- | | |
|--|--|
| 1) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 40 GRAYROCKS #31
06 07610 1960
SEPTEMBER 2, 1998 |
| 2) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 2007 BRAMPTON
05 04010 7800
SEPTEMBER 2, 1998 |
| 3) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 12 TRAGINA N.
04 03325 1180
SEPTEMBER 2, 1998 |
| 4) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 3 LIONSGATE
08 10730 7778
SEPTEMBER 2, 1998 |
| 5) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 128 WISE CRES.
06 05660 0770
SEPTEMBER 2, 1998 |
| 6) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 103 MELBOURNE
01 00915 5290
SEPTEMBER 2, 1998 |
| 7) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 329 WAVERLY
05 04920 7870
SEPTEMBER 2, 1998 |
| 8) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 184 BOND N.
01 00620 2380
SEPTEMBER 2, 1998 |
| 9) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 107 ONTARIO
03 02050 6480
SEPTEMBER 2, 1998 |
| 10) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 127 BURTON
03 02210 9200
SEPTEMBER 2, 1998 |
| 11) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 13 STRATHCONA N.
01 01035 0930
SEPTEMBER 2, 1998 |
| 12) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 106 BURTON
03 02210 8300
SEPTEMBER 2, 1998 |
| 13) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 1042 BARTON E.
04 02860 1030
SEPTEMBER 2, 1998 |
| 14) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 127 CARTIER
07 07510 4672
SEPTEMBER 2, 1998 |
| 15) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE | 1378 BARTON E.
004 03335 8640
SEPTEMBER 9, 1998 |

16)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	2 WALDORF 07 06520 1612 SEPTEMBER 9, 1998
17)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	218 WEST 2ND 08 09120 7290 SEPTEMBER 9, 1998
18)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	191 SHERMAN N. 03 02360 7800 SEPTEMBER 9, 1998
19)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	97 PARADISE N. 01 00630 6080 NOVEMBER 5, 1998
20)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	394 CHARLTON W. 01 00925 4620 NOVEMBER 5, 1998
21)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	243 GIBSON 03 02350 2140 NOVEMBER 5, 1998
22)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	150 LIMERIDGE W. 08 09840 0330 NOVEMBER 5, 1998
23)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1123 CANNON E. 04 02835 2070 NOVEMBER 12, 1998
24)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	763 DUNN 05 04030 6900 NOVEMBER 12, 1998
25)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	12 BRANTDALE 08 09110 8920 NOVEMBER 12, 1998
26)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	62 BARNESDALE N. 03 02640 6460 NOVEMBER 12, 1998
27)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	643 PARKDALE N. 05 03910 7360 NOVEMBER 12, 1998
28)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	284 WILSON 03 02130 4710 NOVEMBER 12, 1998
29)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	236 GRENFELL 04 03210 3180 NOVEMBER 12, 1998
30)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1475 UPPER GAGE #3 06 07310 2837 NOVEMBER 12, 1998
31)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	18 LINCOLN 04 02860 3390 NOVEMBER 12, 1998

32)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	16 HARLOWE 06 05810 6400 NOVEMBER 12, 1998
33)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	14 BRANTDALE 08 09110 8890 NOVEMBER 12, 1998
34)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	301 EAST N. 03 02160 5630 NOVEMBER 12, 1998
35)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	72 GRAHAM N. 04 03115 9180 NOVEMBER 12, 1998
36)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	26 EAST 16TH 07 08140 5620 NOVEMBER 12, 1998
37)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	423 CUMBERLAND 03 02510 1690 NOVEMBER 12, 1998
38)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	44 NICKLAUS 05 05335 5570 NOVEMBER 12, 1998
39)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	196 LOTTRIDGE 03 02660 8480 NOVEMBER 12, 1998
40)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	156 CUMBERLAND 03 02410 4170 NOVEMBER 12, 1998
41)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	145 WELLINGTON N. 02 01810 8080 NOVEMBER 12, 1998
42)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1392 CANNON E. 04 03120 1540 NOVEMBER 12, 1998
43)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	22 BARNESDALE S. 03 02620 0100 NOVEMBER 12, 1998
44)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	5 FANNING 01 00925 7860 NOVEMBER 12, 1998
45)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	25 REDBURY #23 06 07010 2423 NOVEMBER 12, 1998
46)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	129 CONNAUGHT 03 02645 6270 NOVEMBER 28, 1998

47)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	130 ERIE 03 02050 0880 NOVEMBER 28, 1998
48)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	22 VISTA 08 01410 3302 NOVEMBER 28, 1998
49)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	344 EMERALD 03 02165 2970 NOVEMBER 28, 1998
50)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	3 ROWANWOOD 04 02880 4580 NOVEMBER 28, 1998
51)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	27 VISTA 08 10410 3302 NOVEMBER 28, 1998
52)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	156 ROYAL 01 00430 3860 NOVEMBER 28, 1998
53)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	48 KIPLING 01 00610 6630 NOVEMBER 28, 1998
54)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	454 KING E. 03 02115 0250 NOVEMBER 28, 1998
55)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	5 CLINTON 03 02660 3740 NOVEMBER 28, 1998
56)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1420 GARTH #36 08 10410 7045 NOVEMBER 28, 1998
57)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	25 COVINGTON 05 04810 6140 NOVEMBER 28, 1998
58)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1964 MAIN W. 01 00160 0430 NOVEMBER 28, 1998
59)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	230 CAMPBELL 04 03140 8530 DECEMBER 10, 1998
60)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	439 KING E. 03 02120 1360 DECEMBER 10, 1998
61)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	585 CATHARINE N.XA 02 01660 1900 DECEMBER 10, 1998
62)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	726 MAIN E. 03 02450 6660 DECEMBER 10, 1998

63) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

68 CHEEVER
03 02180 0850
DECEMBER 10, 1998

BY-LAW NO. 98 - 202

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 7th DAY OF JULY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

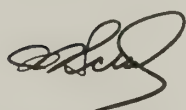
AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 7th day of July 1998



CITY CLERK



MAYOR

BY-LAW 98-203

CITY OF HAMILTON LICENCING CODE 1998

A BY-LAW TO LICENCE AND REGULATE VARIOUS
BUSINESSES IS FILED SEPARATELY UNDER
THE SAME CODOC # FOR BY-LAWS:

CA4 ON HBL A08 B91 1998

The Corporation of the City of Hamilton

BY-LAW NO. 98-204

LOTTERY LICENSING BY-LAW

WHEREAS section 207 of The Criminal Code provides that a charitable or religious organization may conduct and manage a lottery scheme for charitable objects or purposes, subject to licensing and such terms and conditions as may be imposed;

AND WHEREAS the Lieutenant Governor of Ontario by Order-in-Council 2688/93, did empower a municipal council to issue lottery licences to charitable or religious organizations;

AND WHEREAS it is desirable to repeal and replace By-law 93-240 with a by-law to provide for lottery licensing;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In the matter of licensing charitable gaming and in the application of this by-law, reference shall be had to the provisions of The Criminal Code, Order-in-Council, Provincial Terms and Conditions and Provincial Policies, as they may be amended or replaced from time to time, and in particular the following definitions are adopted for the purposes of this by-law:

- (a) "City" means The Corporation of the City of Hamilton;
- (b) "Council" means the council of the City;
- (c) "hearing" includes a hearing or an opportunity given for a hearing, where an applicant or licensee may show cause why the licence should be granted, or not refused, revoked, or suspended, with or without conditions;
- (d) "law" shall include The Criminal Code, Order-in-Council, Provincial Terms and Conditions, as applicable, and as they may be amended or replaced from time to time;
- (e) "licence inspector" means a person appointed for the purposes of inspection or enforcement of by-laws of the City;
- (f) "Licensing Committee" means the City of Hamilton Licensing Committee established by Council;
- (g) "Lottery Licence Administrator" means the City Clerk, the acting City Clerk in his or her absence, or the persons the City Clerk may designate from time to time to issue licences in his or her stead;
- (h) "Order-in-Council" means Order-in-Council No. 2688/93, as may be amended or replaced from time to time;
- (i) "Provincial Policies" includes the Lottery Licensing Policy Manual, issued by the Ministry of Consumer and Commercial Relations, and any other written policy for the issuance of charitable gaming licences supplied by or through the Ministry to municipalities for their use, as they may be amended or replaced from time to time;

(j) "Provincial Terms and Conditions" means the documents issued by the Ministry of Consumer and Commercial Relations, being terms and conditions which apply to municipal and other lottery licences and including any application and report forms referred to or being part of such documents, as they may be amended or replaced from time to time, including those titled:

- (i) Regular and Special Bingo Licence Terms and Conditions,
- (ii) Media Bingo Licence Terms and Conditions,
- (iii) Raffle Licence Terms and Conditions,
- (iv) Break Open Ticket Licence Terms and Conditions, and
- (v) Bazaar Licence Terms and Conditions;

(k) "Secretary" means the secretary of the Licensing Committee;

(l) The definitions for "Act" and "lottery scheme" found respectively in The Criminal Code, R.S.C. 1985, Chapter C-46, sections 1 and 207; and

(m) The definitions of "charitable object or purpose", "Director" and "person" found in the Order-in-Council.

2.(1) Subject to the terms of this or other by-laws, or the directions of Council:

(a) Administration of this By-law shall be by the staff of the City Clerk's Department;

(b) Enforcement of this By-law shall be by licence inspectors of the City under the direction of the Lottery Licence Administrator, and by police in accordance with the Police Services Act, R.S.O. 1990, c. P.15; and

(c) In place of the Council, the City of Hamilton Licensing Committee shall, for the purpose of lottery licensing under this By-law, hear the parties to a hearing or afford the parties an opportunity to be heard, and make decisions and recommendations from hearings so held.

(2) Every licence inspector is hereby appointed a lottery licence officer.

(3) The Lottery Licence Administrator shall receive licence applications and materials on behalf of the City, review applications and the conduct of lotteries, instruct lottery licence officers, issue or deny licences, and generally carry out any act or inquiry, and make any report necessary to administer the licensing of lottery schemes on behalf of the City, in accordance with the law, Provincial Policies and this by-law or other directions of Council.

(4) The Lottery Licence Administrator duties include ensuring:

- (a) Applications are complete, signed and on the forms supplied by the province; and
- (b) That the applicant has paid the fees required for the lottery, for the term of the licence, prior to processing the application, and that the term of the licence does not exceed one year.

(5) Where an application or applicant fails to comply with the requirements of subsection (4) or the Lottery Licence Administrator instructions in that regard, the application shall be returned and not processed further.

3. Licences may be approved, issued, suspended, cancelled or refused by the Lottery Licence Administrator or Council pursuant to the Order-in-Council, Provincial Terms and Conditions, Provincial Policies and this by-law for the following types of lottery schemes:

- (a) Bingo,
- (b) Media Bingo,
- (c) Raffle,
- (d) Break Open Ticket Lottery, and
- (e) Lottery schemes at a Bazaar.

4. No one shall conduct a lottery scheme in the City of Hamilton unless a licence has been issued for that lottery under the Order-in-Council and is in force on the occasion of the lottery scheme.

5.(1) An application for a municipal licence shall be made to the Lottery Licence Administrator at least 45 days prior to the date on which the lottery scheme is to occur, or where there is more than one lottery scheme applied for in the application, at least 45 days prior to the date of the first lottery scheme applied for.

(2) A request for approval of a provincial licence shall be made to the Lottery Licence Administrator at least 90 days prior to the date of the lottery scheme applied for.

6.(1) A person applying for a licence shall make the application in writing, filing the application, materials and fees required to be supplied under the terms of this By-law and the law.

(2) The applicant shall be responsible for ensuring that:

- (a) all forms are properly completed and signed where necessary;
- (b) truthful information is provided in forms required, or in responses supplied to enquiries made under this By-law;
- (c) any other information as may be required for the kind and class of lottery by the Provincial Policies, the law or this By-law, or as may be required by the Lottery Licence Administrator to identify the applicant, the charitable organization and its owner or operator, the charitable purposes, and nature of the lottery which the applicant proposes to licence, is supplied;
- (d) prior to issuance of the licence, any correction of information supplied under (a), (b) or (c) is brought to the attention of the Lottery Licence Administrator in writing; and
- (e) all necessary and required information, materials and fees are delivered to the Lottery Licence Administrator.

7.(1) A person applying for a licence shall pay a licence fee at the time the application is submitted, being three percent of the retail value of all prizes, or in the case of a lottery scheme at a bazaar, three percent of the retail value of all prizes and ten dollars a wheel for wheels of fortune.

(2) No licence shall be issued until the licence fee has been paid.

(3) Refunds of licence fees paid may be made in the following circumstances:

- (a) A refund of the licence fee may be made to the applicant where an application for a licence is withdrawn by the applicant before issuance, or where a licence or renewal of a licence is refused or denied;
- (b) Subject to (d), where a licence is surrendered or revoked, a refund may be made of the fee applicable to the lottery events not yet held under the licence; or
- (c) Subject to (d), where a licence is suspended, a refund may be made of the fee applicable to the lottery events not held during the period of the suspension; but
- (d) No refund of fees shall be made for a raffle licence where one or more raffle tickets have already been sold.

8. The Lottery Licence Administrator shall use and apply the Order-in-Council, Provincial Policies, Provincial Terms and Conditions, and this by-law, where applicable, to the decision to deny or approve licences, or to recommend revocation or suspension of licences under this by-law.

9.(1) Lottery Licence Administrator upon receipt of a proper, completed application and fees will review the application against the Order-in-Council, Provincial Policies, Provincial Terms and Conditions, and the provisions of this by-law.

(2) Applicants and licensees shall, as a condition of obtaining or continuing to hold a licence, permit inspections or inquiries by lottery licence officers as may be reasonably requested.

(3) Lottery Licence Administrator may send notice of comments or non-compliance under this section to the applicant or licensee.

10.(1) Subject to (2), the Lottery Licence Administrator shall:

- (a) refuse to issue the licence, where the investigation under this by-law indicates the lottery scheme does not comply with the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Conditions, or the provisions of this by-law, or where the lottery event if held would not so comply;
- (b) refuse to issue the licence where the investigation under this by-law indicates the requirements or conditions for licensing the applicant or issuing the applicable licence under this by-law, including those imposed by the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Condition to be met, are not met, or where it is determined that the application is incomplete or contains false or misleading information, or where the proceeds from the lottery will not be used to the direct benefit of the residents of this municipality, or where the fees have not been paid; or
- (c) approve the licence where (a) or (b) do not apply, or where Council has approved issuance of the licence.

(2) Where the Director notifies the City that a person is not eligible for a licence, no licence shall be issued to that person, and where the person already holds a licence under which a lottery scheme has not been held the City shall notify the Director of the existing licence and the licence may be revoked under section 12.

(3) Where the Lottery Licence Administrator refuses to issue a licence under this section, a dated, written notice shall be sent to the applicant or licensee of the refusal of their licence, and the grounds on which such refusal is based.

11.(1) Subject to (2), the applicant or licensee is entitled to a hearing before the Licensing Committee where the decision of the Lottery Licence Administrator is to refuse a licence, and the parties to such a hearing shall be the City and the applicant or licensee.

(2) To obtain a hearing before the Licensing Committee over the refusal to issue a licence, the Applicant or licensee shall within thirty days from the date contained in the notice sent under subsection 10(3) above, file a written request for a hearing with the Secretary of the Licensing Committee together with the grounds for appeal of the decision of the Lottery Licence Administrator, which request shall include any change to their address for receipt of notice of the hearing.

(3) The Secretary, where written request of applicant or licensee meeting the requirements and time limits in subsection (2) is received, shall schedule a hearing before the Licensing Committee, and send written notice of the hearing to the parties, which notice may be personally delivered or sent by regular or registered mail.

(4) A hearing under this section shall be commenced by the Licensing Committee within 60 days from the date of receipt of the notice under (2).

12.(1) The Lottery Licence Administrator may recommend that a hearing be held to consider whether a licence should be revoked or suspended, where the Lottery Licence Administrator finds:

(a) the lottery scheme is being operated in contravention of, or if held or continued would be in contravention of, the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Conditions, or the provisions of this by-law;

(b) where the requirements or conditions for licensing the applicant, issuing the applicable licence or holding the lottery scheme under this by-law, including those imposed by the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Condition to be met, are not being met, or where it is determined that the information supplied to obtain the licence was incomplete or contained false or misleading information, or where the proceeds from the lottery are not being used to the direct benefit of the residents of this municipality, or where the fees have not been paid; or

(c) where the Director notifies the City that a licensee is not eligible for a licence.

(2) Council may direct the Lottery Licence Administrator to send a written notice to the Licensing Committee to hold a hearing for revocation or suspension of a licence, or attaching of terms or conditions to the licence, on the grounds as provided for in this section, section 14 or section 17.

(3) The recommendation of the Lottery Licence Administrator shall be in writing and contain the grounds upon which the licence is recommended to be suspended or revoked, and be sent to the licensee and the Secretary.

(4) The licensee is entitled to a hearing before the Licensing Committee into the recommendation of the Lottery Licence Administrator, and the parties to the hearing shall be the City and the licensee.

(5) Where the Secretary receives the recommendation of the Lottery Licence Administrator or City Council to hold a hearing, the Secretary shall arrange a hearing date with the Licensing Committee and send written notice of the hearing to the licensee and the Lottery Licence Administrator.

(6) The written notice in (5) shall include or attach the grounds as provided by the Lottery Licence Administrator or Council.

13.(1) The Licensing Committee shall hold a hearing in respect of the matter as arranged by the Secretary.

(2) The Licensing Committee may consider the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, in respect of the hearing and conduct of hearings, the failure of the applicant or licensee to attend the hearing, and its decisions and recommendations.

(3) The Licensing Committee shall have regard to the following matters where relevant, as may be raised at a hearing:

- (a) the law, Provincial Policies and this by-law;
- (b) circumstances and facts raised by evidence of the parties;
- (c) the legitimate interests of the applicant or licensee; and
- (d) whether the lottery is or will be carried on in compliance with the law, Provincial Policies and this by-law.

(4) The Licensing Committee, after a hearing or opportunity for a hearing is provided, may recommend to Council that a licence be granted or refused, suspended or revoked, on the grounds for such decisions provided for in this By-law.

(5) The Licensing Committee shall forward a report to Council on the final decision arising from each hearing or opportunity for a hearing.

(6) After Council has made a decision in respect of the recommendation of the Licensing Committee, the Secretary shall send notice of a decision to refuse, revoke or suspend a licence to the applicant or licensee by personal delivery, or to their last known address by registered mail, and such revocation or suspension is effective upon such notice being mailed or personally delivered.

14.(1) Council in its discretion, after considering the report of the Licensing Committee from a hearing, may grant or refuse a licence, suspend or revoke a licence, or attach terms or conditions to the licence or issuance of the licence pursuant to this by-law or the Order-in-Council, all without a hearing, having regard to the matters considered by the Committee at the hearing in subsection 13(3), and having regard to the law, Provincial Policies and this by-law, which discretion shall be exercised on the grounds set out within this by-law or the Order-in-Council.

(2) The grounds in subsection (1), include the grounds in this By-law and the Order-in-Council which permit the rejection of an application for a licence, the refusal of a licence, the grounds upon which the Lottery Licence Administrator may recommend revocation or suspension of a licence, and the ground that a term or condition is required to ensure compliance with the law, Provincial Policies and this by-law.

(3) Council may direct the Licensing Committee to hold a hearing or give an opportunity for a hearing, and in respect of a hearing or opportunity for a hearing that has already occurred may direct a new or further hearing, on such issues as Council may specify.

(4) Where the decision of Council is to issue a licence the Lottery Licence Administrator shall issue the licence on the terms or conditions directed by Council.

(5) When the Licensing Committee has held a hearing and reported to Council, and City Council has made a decision to deny or revoke a licence, or to refuse the renewal or transfer of a licence, any re-hearing or hearing with respect to that licence shall be not considered for one year from the date of Council's decision.

15. Every licence is personal to the holder thereof, and no licence is transferable without the consent in writing of the Lottery Licence Administrator or Council.

16. A licence certificate issued under this by-law is the property of the Council and the licensee shall return it to the Lottery Licence Administrator within 7 days after the date of the occasion or the date of the last occasion for which it was issued.

17.(1) Licensees and members in charge of lotteries shall comply with the terms of the law, Provincial Policies and this By-law, and the terms and conditions of their licences, and no licensee shall cause or permit their employee, agent or other persons carrying on or engaging in the lottery on their behalf, to fail to so comply.

(2) Compliance with the provisions of the law and this by-law is a term and condition of,

(a) the issuance of a licence; and

(b) the remaining in force of a licence.

(3) The breach of a term and condition of this by-law, or the failure to comply to a request or demand authorized under the law or this by-law, by an applicant, licensee or member in charge of a lottery, is cause for the refusal to issue, suspension or revocation of a licence under sections 10, 12 or 14.

18. Every licensee shall comply with the following terms and conditions:

1. Comply with all provisions of the law and this by-law.

2. Provide the full name, address of residence, and home telephone number of every member designated to be in charge of the lottery on behalf of the licensee, and immediately advise the Lottery Licence Administrator, in writing, of any change.

3. For financial reporting purposes designate a financial year end, and failing which, the licensee shall be deemed to have a financial year end of December 31.

4. Where the Provincial Terms and Conditions permit a licensee to create rules and use them for the lottery, a copy of the proposed rules shall be submitted for approval to the Lottery Licence Administrator prior to their use, and Lottery Licence Administrator shall approve them for use by the licensee if they are not contrary to the law or Provincial Policies.

5. Produce the lottery licence immediately upon demand by a lottery licence officer or a police officer.

6. Keep and maintain a record for each lottery event, of all persons, both members and non-members assisting in the conduct and management of the lottery, and the amount of compensation paid.

7. Where the Provincial Terms and Conditions permit a licensee to pay for an expense or other charge by cash with a receipt in place of a cheque, the licensee shall ensure a written receipt is retained, which contains the name, address and signature of the person to whom the cash is paid.

8. Notify the Lottery Licence Administrator in writing, of the failure or refusal to award the prizes specified in the licence on the date specified, along with the reasons for such failure or refusal and the names and addresses of any winners left unpaid, within seven days of such date, and make available any books and records of the lottery scheme for review upon demand.

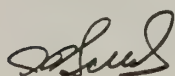
9. Deliver the licence certificate to the Lottery Licence Administrator immediately upon the revocation or suspension of the licence, or where no further lottery events will be held under the licence.
19. A lottery licence officer or a police officer shall, at all reasonable times, be given direct and unencumbered access by the licensee, to enquire into the nature, management and conduct of a lottery scheme, and to all books and records of the licensee relating to the lottery, before or after the issue of a licence and the holding of the lottery, to ensure there is compliance with the law and that an application for a licence can be properly considered.
- 20.(1) It is a term of the licence, where a police officer has reasonable and probable grounds to believe there exists a breach of the law in relation to the lottery scheme or that the holding of the lottery scheme will result in a breach of the law, that the police officer may order the licensee or its officers, agents or servants to cease and desist from further conducting the lottery scheme upon threat of prosecution for failure to comply.
- (2) Where an order has been made under subsection (1), the police officer shall, in addition to any other action, provide a report of the incident to the Lottery Licence Administrator.
21. No licensee shall prevent, hinder, molest or interfere, or permit a servant, agent or employee of the licensee to prevent, hinder, molest or interfere, with a lottery licence officer or police officer in doing anything the lottery licence officer or police officer is authorized to do by or under this by-law.
- 22.(1) A notice given or required to be given to an applicant or licensee under this By-law, may be sent by facsimile, regular mail or registered mail to a number or address supplied by the applicant or licensee, or delivered personally to the applicant or licensee, or to a member in charge listed in the application or licence.
- (2) Notwithstanding any other section of this By-law, a notice of refusal to issue, or a notice of revocation or suspension of a licence is effective upon personal delivery to a member in charge of the lottery listed in the application or licence.
23. In the event of a conflict between the provisions of this by-law and any Federal or Provincial act, or an Order-in-Council of the Province passed under the authority of section 207 of The Criminal Code, or the Provincial Terms and Conditions or Provincial Policies, the provisions of such Act, Orders-in-Council, term, condition or policy prevail to the extent of such conflict.
24. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.
25. By-law No. 93-240 and amendments thereto are repealed.
26. This by-law may be referred to as the "Lottery Licensing By-law".

PASSED this

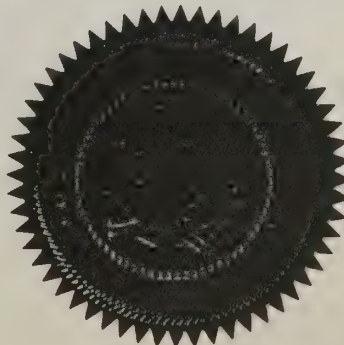
7th

day of July

1998.



CITY CLERK




MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98- 205

To Amend:

Zoning By-law No. 6593

Respecting:

**LAND LOCATED EAST OF WEST 5TH STREET and NORTH OF
STONECHURCH CHURCH ROAD WEST**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District those lands comprised in Block "1"; and,
- (b) by changing from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District modified, those lands comprised in Block "2",

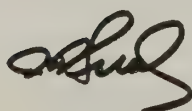
the Block 1 and 2 lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "D" (Urban Protected Residential - One and Two Family District, etc.) District provisions, as contained in Section 10. of Zoning By-law No. 6593, applicable to the lands referred to in section 1.(b) are amended to the extent only of the special requirements that,

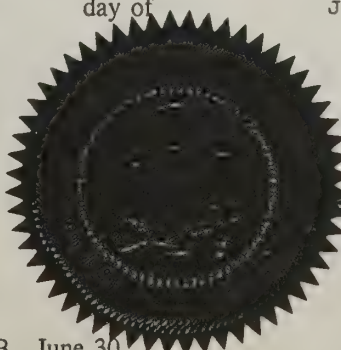
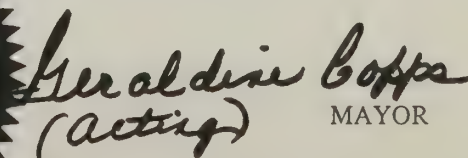
- (a) notwithstanding Section 10.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - 1. not less than 10 single family dwellings;
 - 2. not more than 8 two-family dwellings; and,

3. not more than 16 street townhouse dwelling units subject to the "RT-30" District provisions of Section 10.F.
 - (b) notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, for a single family dwelling and a two family dwelling, the following shall apply:
 1. a front yard having a depth of not less than 4.5 metres to the main wall of the dwelling shall be provided and maintained;
 2. a front yard having a depth of not less than 6.0 metres to the garage or carport shall be provided and maintained;
 - (c) notwithstanding Section 10.F(9) of Zoning By-law No. 6593, for a street townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row;
 - (d) notwithstanding Section 10.F(4)(a) of Zoning By-law No. 6593, for a street townhouse dwelling, the following shall apply:
 1. a front yard having a depth of not less than 4.5 metres to the main wall of the dwelling shall be provided and maintained;
 2. a front yard having a depth of not less than 6.0 metres to the garage or carport shall be provided and maintained.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 2.
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1406.
5. Sheet No. W-9C of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1406.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

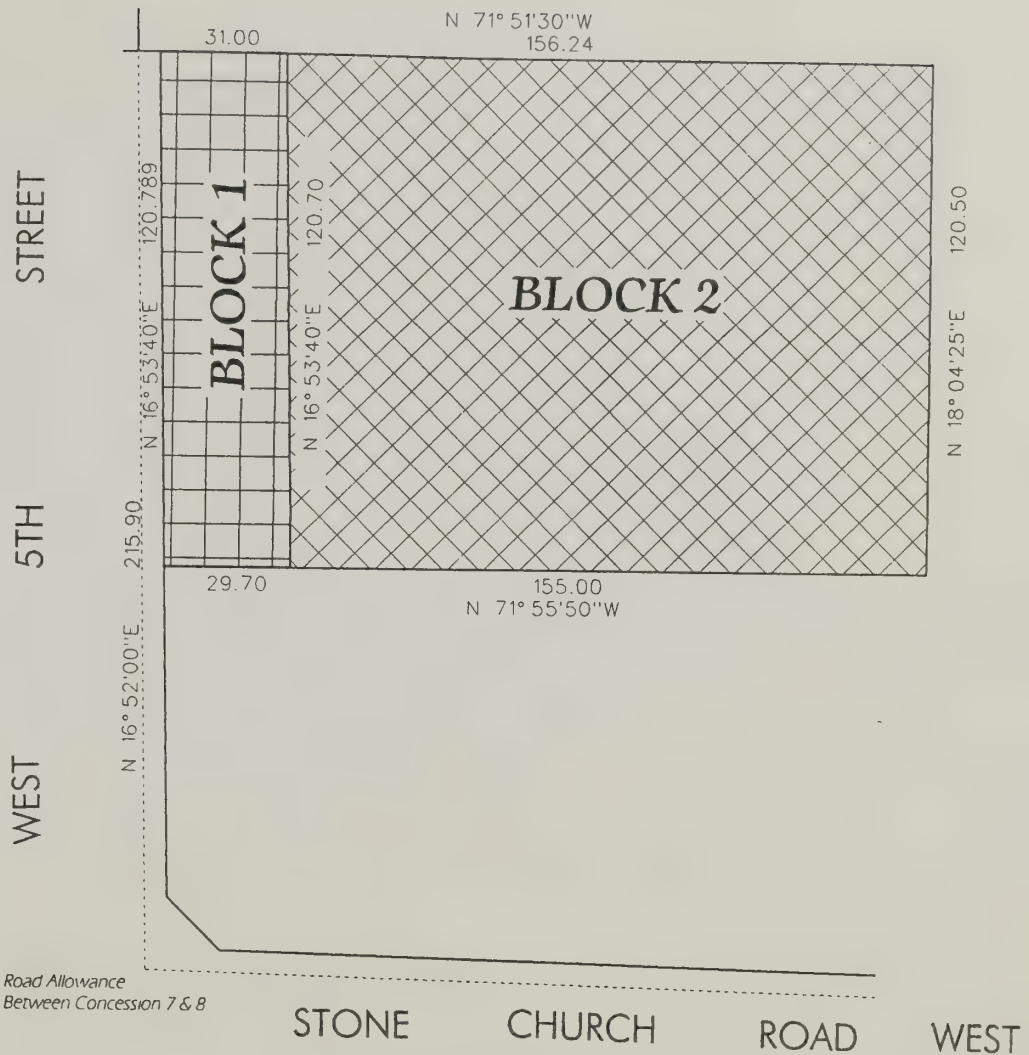
PASSED this 9th day of July A.D. 1998



CITY CLERK

(acting) MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-205
 Passed the 9th day of July, 1998.

[Signature]
 Clerk

[Signature]
 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 98-205

to Amend By-Law No. 6593

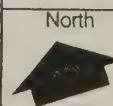
Planning and Development Department

Legend



"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

"AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District, Modified.



Scale
 NOT TO SCALE

Date
 JUNE 1998

Reference File No.

ZAC-98-13

Drawn By

R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 206

To Establish:

Site Plan Control

Respecting:

**LAND LOCATED EAST OF WEST 5TH STREET and NORTH OF
STONE CHURCH ROAD WEST**

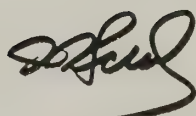
WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

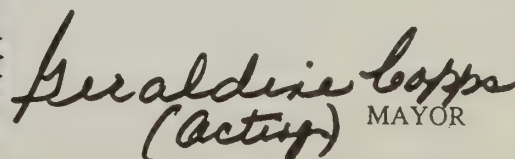
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 175. Land located east of West 5th Street and north of Stone Church Road West, shown on Appendix 175 hereto annexed and forming part of this by-law.
2. Appendix 175 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.
3. Section 2. of By-law No. 79-275, as amended, shall not apply to the land shown on Schedule "A".

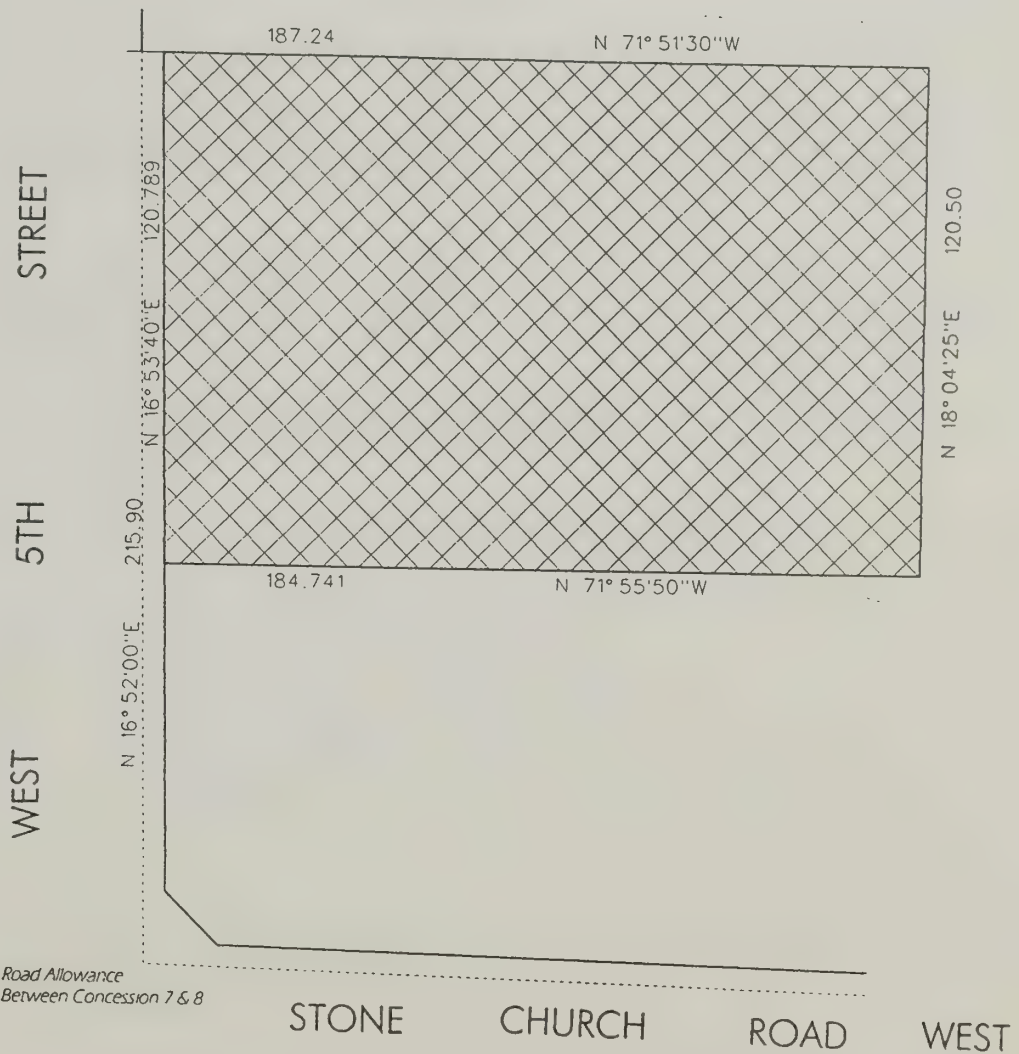
PASSED this 9th day of July A.D. 1998


CITY CLERK



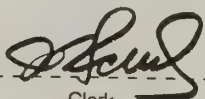

(Acting) MAYOR

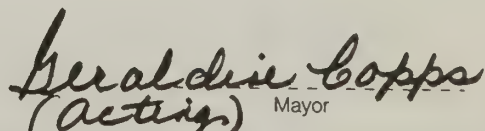
(1998) 13 R.P.D.C. 2.B., June 30
Valery Construction Company Limited , Owner
Amended ZAC-98-13



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-206
Passed the 9th day of July, 1998.


Clerk


Mayor

City of Hamilton

Appendix 175

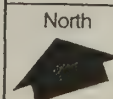
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.



Scale
NOT TO SCALE

Date
JUNE 1998

Reference File No.
ZA-98-13
Drawn By
R.L.

BY-LAW NO. 98 - 207

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 9th DAY OF JULY, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

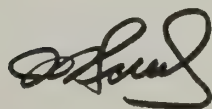
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 9th day of JULY

A.D. 1998



CITY CLERK



(Acting) MAYOR



BY-LAW NO. 98 208

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30TH DAY OF JULY A.D., 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of July A.D. 1998



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-209

TO ALTER CROCKETT STREET BETWEEN UPPER GAGE AVENUE
AND EAST 31ST STREET BY NARROWING THE PAVEMENT

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

AND WHEREAS the portion of highway known as Crockett Street is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 46 of the 8th Report of the Transport and Environment Committee on June 30, 1998, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Crockett Street as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

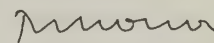
1. That the alterations be approved and carried out to Crockett Street between Upper Gage Avenue and East 31st Street, for the purpose of narrowing the travelled portion of the said street from the existing width of 15.2m to a width of 12.2m, as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this 5th day of August , 1998.



ACTING
CITY CLERK





MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98-210

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS.
1016, 1062 AND 1088 UPPER PARADISE ROAD**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-37D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District, the lands comprised in Blocks "1", "2", "3" and "4"; and
- (b) by changing from "C" (Urban Protected Residential, etc.) District to "D" - 'H' (Urban Protected Residential - One and Two Family, etc. - Holding) District, the lands comprised in Block "5"; and
- (c) by changing from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, the lands comprised in Block "6",

the extent and boundaries of each of which Blocks "1", "2", "3", "4", "5" and "6" are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land comprised in Block "5" shall be removed conditional upon the realignment of Upper Paradise Road to the satisfaction of the Commissioner of Transportation.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands comprised in Block "5" may at such time proceed in accordance with the "D" District provisions, subject to the special requirements contained in section 7 of this by-law.

3. The "D" (Urban Protected Residential - One and Two Family, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands comprised in Block "2", referred to in section 1.(a), are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a lot width of at least 11.0 metres and an area of at least 325.0 square metres shall be provided and maintained.

4. The "D" (Urban Protected Residential - One and Two Family, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands comprised in Block "3", referred to in section 1.(a), are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot area of at least 500.0 square metres shall be provided and maintained.

5. The "D" (Urban Protected Residential - One and Two Family, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands comprised in Block "1", "2" and "3", referred to in section 1.(a), are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:
 - (i) a front yard having a depth of not less than 3.0 metres to the main wall of the dwelling;
 - (ii) a front yard having a depth of not less than 6.0 metres to the garage or carport;
- (b) lot coverage of all buildings and structures shall not exceed 40% of the lot area;
- (c) lot coverage shall mean the percentage of the lot area covered by every building and/or structure including accessory buildings;
- (d) notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted.

6. The "D" (Urban Protected Residential - One and Two Family, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands comprised in Block "4", referred to in section 1.(a), are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a lot area of at least 350.0 square metres shall be provided and maintained;
- (b) notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot area of at least 505.0 square metres shall be provided and maintained.

7. The "D" (Urban Protected Residential - One and Two Family, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands comprised in Blocks "4" and "5", referred to in sections 1.(a) and (b), are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 4.5 metres shall be provided and maintained;
- (b) every roofed-over and unenclosed front porch shall have a minimum width of 3.0m and a minimum depth of 2.0m for every single family dwelling and two family dwelling;
- (c) notwithstanding Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over porch shall be set back at least 1.0 metres from the front lot line;
- (d) notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling one side yard of at least 0.9 metres and one side yard of at least 2.8 metres shall be provided and maintained;
- (e) notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a two family dwelling a side yard of at least 2.8 metres shall be provided and maintained;
- (f) in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained in the rear yard for each single family dwelling;
- (g) for every single family dwelling and for every dwelling unit of a two family dwelling, one required parking space shall be provided and maintained in a detached garage;
- (h) lot coverage of all buildings and structures shall not exceed 40% of the lot area;
- (i) lot coverage shall mean the percentage of the lot area covered by every building and/or structure including accessory buildings;
- (j) notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted.

8. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in sections 3, 4, 5, 6 and 7.

9. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1405.

10. Sheet No. W-37D of the District Maps is amended by marking the lands referred to in sections 1.(a) and (b) of this by-law, S-1405.

11. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 5th

day of

August

A.D. 1998

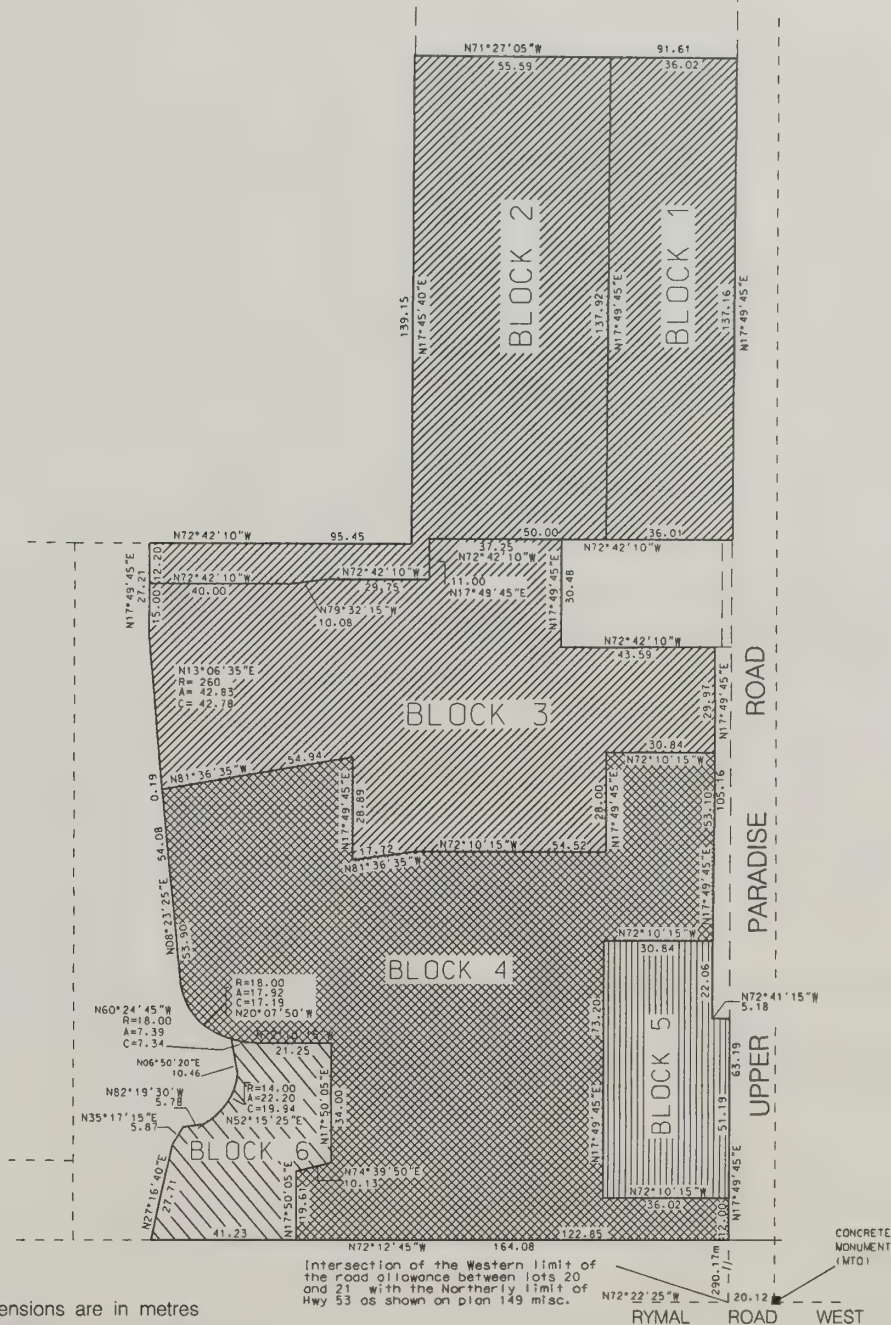


ACTING
CITY CLERK



MAYOR

(1998) 13 R.P.D.C. 3.B., June 30
Visplar Holdings Inc., Owner
Amended ZAC-97-42



This is Schedule "A" to By-Law No. 98-210
Passed the 5th day of August 1998.

A. P. Hollander
Acting Clerk

[Signature]
Mayor

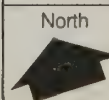
City of Hamilton Schedule "A"

Map Forming Part of
By-Law No. 98-210
to Amend By-Law No. 6593

Planning and Development Department

Legend

- BLOCKS 1, 2, 3 From "AA" (Agricultural) District to "D" (Urban Protected Residential-One and Two Family, etc.) District Modified.
- BLOCK 4 From "AA" (Agricultural) District to "D" (Urban Protected Residential-One and Two Family, etc.) District Modified.
- BLOCK 5 From "C" (Urban Protected Residential, etc.) District to "D" - "H" (Urban Protected Residential One and Two Family, etc. - Holding) District, Modified.
- BLOCK 6 From "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District



Scale
NOT TO SCALE
Date
July 1998

Reference File No.
ZAC-97-42
Drawn By
JSims

The Corporation of the City of Hamilton

BY-LAW NO. 98-211

To Establish:

Site Plan Control

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS.
1016, 1062 and 1088 UPPER PARADISE ROAD**

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 175. Lands located at Municipal Nos. 1016, 1062 and 1088 Upper Paradise Road, shown on Appendix 175 hereto annexed and forming part of this by-law.
2. Appendix 175 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.
3. Section 2. of By-law No. 79-275, as amended, shall not apply to the land shown on Schedule "A".

PASSED this 5th day of August A.D. 1998

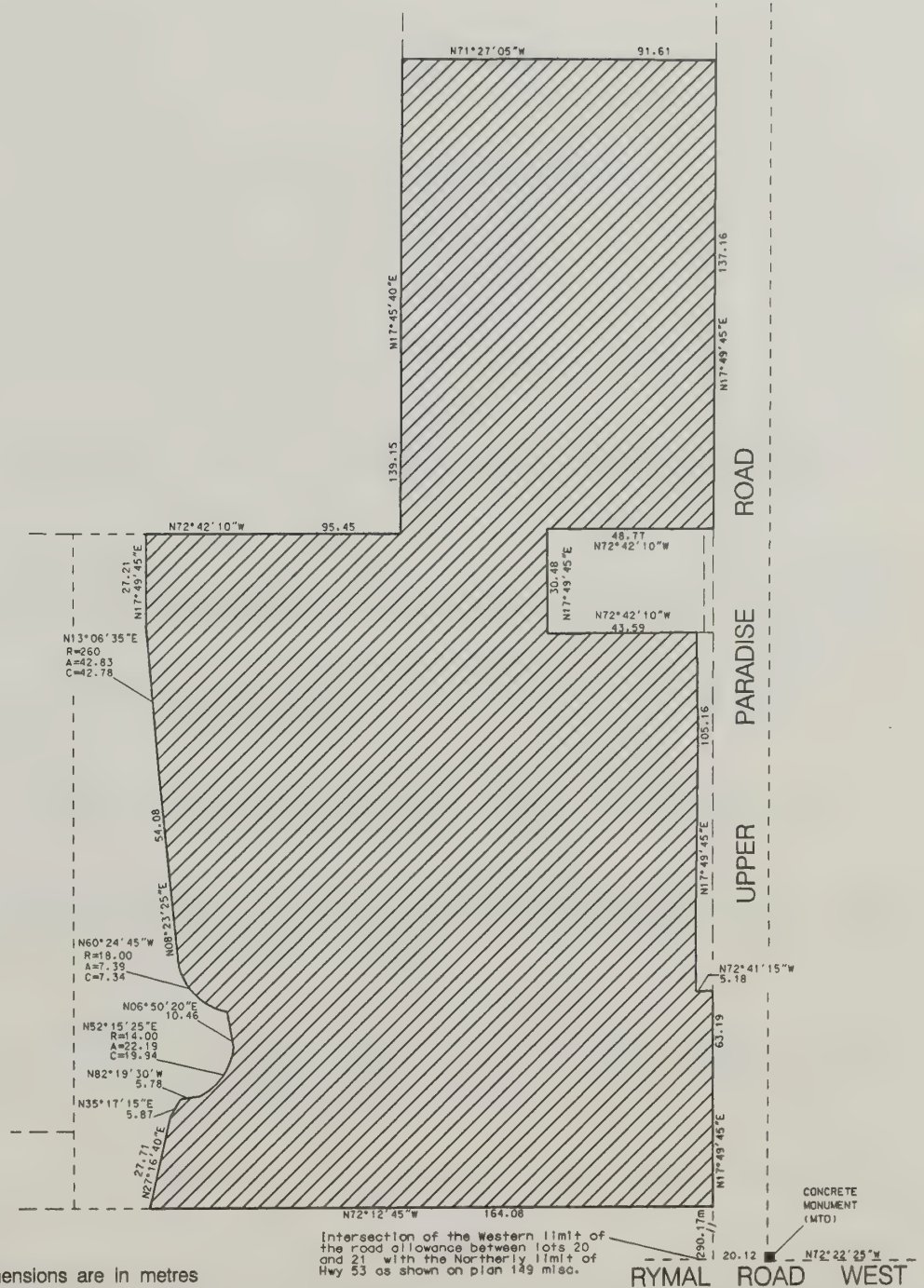
A. B. Hollonell

ACTING
CITY CLERK



[Signature]

MAYOR



This is Schedule "A" to By-Law No. 98-211
Passed the 5th day of August, 1998.

A. J. Hollenbeck
Acting Clerk

[Signature]
Mayor

City of Hamilton

Appendix No. 175

Map Forming Part of
By-Law No. 98-211

to Amend By-Law No. 6593

Planning and Development Department

Legend



Lands designated under the By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R.S.O., 1990

North



Scale
NOT TO SCALE

Date
July 1998

Reference File No.
ZAC-97-42

Drawn By
JSims

The Corporation of the City of Hamilton

BY-LAW NO. 98-212

To Amend:

By-law No. 97-140

Respecting:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

WHEREAS By-law No. 97-140 was enacted on June 24, 1997 under Section 35 of the Planning Act to adopt the Downtown Hamilton Community Improvement Plan;

AND WHEREAS the Plan was approved by the Minister of Municipal Affairs and Housing on July 22, 1997;

AND WHEREAS By-law No. 97-140 was amended by By-law No. 98-122;

AND WHEREAS the Planning and Development Committee held a public hearing on a proposed amendment to the Downtown Hamilton Community Improvement Plan, on August 5, 1998;

AND WHEREAS Council, on August 5, 1998, in adopting Section 4 of the Fourteenth Report of the Planning and Development Committee, authorized a further amendment to the Downtown Hamilton Community Improvement Plan;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Appendix "A" of the Downtown Community Improvement Plan, as adopted by By-law No. 97-140, is repealed and replaced by Schedule "A" attached to this By-law.
2.
 - (1) Paragraph (a) of Section 9 of By-law No. 97-140 is amended by changing the title of paragraph (a) to The Convert/Renovate-to-Residential Loan Program.
 - (2) Section 9 of the Downtown Hamilton Community Improvement Plan, as adopted by By-law No. 97-140, is amended by the addition of the following:

"nn) Core Heritage Program

 - (1) The program will apply to the heritage commercial properties located within the Downtown Hamilton Community Improvement Program (Queen St. to Cannon St. to Victoria Ave. to Hunter St.) where a Facade Design Study is approved.
 - (2) Owners and tenants of commercial heritage properties in the Downtown area with no tax arrears are eligible. Properties to be funded must comply with the zoning By-law. Criteria for the tenants shall be that of

the owners except that a tenant must have permission of the property owner to make changes to a building.

- (3) The Core Heritage 2000 Program is a three-part project designed to revitalize the central core by providing matching grants to:
 - (a) restore the historic building facades and in cases of special heritage features, improve the rear and side facades;
 - (b) improve the storefronts and enhance pedestrian amenities through the use of canopies; and
 - (c) improve the quality of the commercial signage. Proposals must meet the prescribed design criteria.
- (4) Funding will be in the form of matching grant up to a maximum of \$20,000.00 per property; properties with a frontage of more than 40 feet will be eligible for a matching grant of \$500.00 per foot to a maximum of \$75,000.00. Buildings designated under the Ontario Heritage Act are eligible for an additional \$5,000.00 matching grant. Design, labour and materials are eligible but not the applicant's "sweat equity".
- (5) In the event of demolition or removal of funded improvements within the first five years of awarding the grant, the applicant for the grant, will be responsible for repaying the full amount of the grant back to the City.
- (6) Applications will be taken in by the Housing and Loans Division of the Building Department. The technical processing of the grant and facade design will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts and Canopies, and Commercial Signage will be provided to each interested property owner/tenant. Each application will be reviewed by Heritage Planning and an advisory committee, following the procedure established for the Gore Heritage 2000 Program. When the final drawing is submitted and the proposal approved by Council or the C.A.O., the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and Development Department after a site visit. The Housing and Loans Division will forward the grant money.

- (7) The Core Heritage 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private cooperative associations are needed for long lasting revitalization of the downtown.
- (8) The Core Heritage 2000 grants can be used in conjunction with other improvement programs such as the Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Loan Program and the Community Heritage (loan) Fund, provided the established design criteria are used, to spur on the renewal of the building's interior as well as exterior.
- (9) The Core Heritage 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.

- (10) A greatly enhanced streetscape will help attract more people into the downtown area, the ultimate goal of downtown revitalization.
 - (11) Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.
 - (12) Economic recovery will lead to increased taxes.
 - (13) With this effort to revive and enhance the Downtown Core buildings, the City will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners and tenants who carry the financial responsibility for the Core, and their belief in Hamilton's future."
3. Schedule "D" of By-law No. 97-140 is repealed and replaced with the addition of Schedule "D" attached to this By-law.
 4. The Director of Public Works and Traffic is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing,
 - (a) for approval, as required by subsection 28(4) of the Planning Act, to this amending by-law adopting these amendments to the said Community Improvement Plans;
 - (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister, to permit the City to offer the loans and other assistance at below market rates as provided for in the said Community Improvement Plans, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.
 5. This By-law shall come into force and effect on the date the Minister grants the said two approvals.

PASSED this 5th day of August, 1998.

A. B. Hollowell

ACTING
CITY CLERK



[Signature]

MAYOR

SCHEDULE "A"

Summary of Terms of Hamilton Downtown Convert/Renovate to Residential Program

Lender:	The Corporation of the City of Hamilton.
Duration of loan program:	Until terminated by Council
Loan interest rate:	Zero interest.
Interest on arrears:	12.9996% per annum or such tax arrears interest rate established by Council.
Maximum loan term:	Ten years (subject to prior termination on default). Principal repayable in monthly amounts over 120 months.
Maximum loan:	The lesser of cost or \$12,000 per unit maximum for units 600 sq ft or less. Unit size in excess of 600 sq ft, per unit, qualifies for additional assistance at the rate of \$20 per sq ft to a maximum of \$20,000. Loans are for a maximum of 8 units per deeded property.
Purpose of loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings.
Security:	Promissory Note and lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement.
Minimum equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed.
Realty taxes:	In good standing at all times.
Eligible costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program.
Sale or refinancing of property:	Due in full.
Except as provided above, subject to City's usual lending criteria.	

SCHEDULE "D"

Summary of Terms of the Gore Heritage 2000 Program

- A Component of the Restore the Core, Hamilton Downtown Improvement Plan
- | | | |
|-----|------------------------------|---|
| (a) | Grantor | The Corporation of the City of Hamilton |
| (b) | Initial Grant Capital | \$200,000. City funds |
| (c) | Type of Program | Matching Grant Program |
| (d) | Maximum Grant | \$20,000.;if larger than 40' frontage, then \$500.00 per linear foot up to \$75,000; buildings designated under the Ontario Heritage Act eligible for an additional \$5,000. grant |
| (e) | Eligible Applicants | Owners or tenants of properties located within the Gore Area, on King Street East between James Street and Catharine Street which are designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest. |
| (f) | Purpose of Grant | To create a new image for the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization. |
| (g) | Realty Taxes | In good standing at all times. |
| (h) | Eligible Costs | The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the <u>Gore Heritage Design Study</u> . The conditions of the Core Program of this plan shall be applicable to the Gore Program. |
| (i) | Additional Eligible Programs | The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Program and the Commercial Heritage Fund. |
| (j) | Conditions of Grant | The Project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for paying the full amount of the grant back to the City. |

The Corporation of the City of Hamilton

By-law No. 98- 213

To Amend:

By-law Nos. 98-120 and 98-121

Respecting:

**THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA
COMMUNITY IMPROVEMENT PLAN and
THE MAIN STREET WEST COMMUNITY IMPROVEMENT PLAN**

WHEREAS Council, on April 14, 1998, enacted By-law No. 98-120 to adopt the expanded Downtown Hamilton Business Improvement Area Community Improvement Plan was adopted by By-law No. 98-120;

AND WHEREAS Council, on April 14, 1998, enacted By-law No. 98-121 to adopt a Community Improvement Plan for the expanded Main Street West Community Improvement Project Area;

AND WHEREAS subsection 28(7) of the Planning Act, R.S.O. 1990, c. P.13 states:

"(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.";

AND WHEREAS the Building Department has held a public meeting on the 5th day of August, 1998 and taken other steps required by the Planning Act [subsection 28(4)] prior to the enactment of this by-law to amend the said Community Improvement Plans;

AND WHEREAS it is intended to revise the said Community Improvement Plans for the said areas with the following provisions;

AND WHEREAS the Planning Act states that the approval of the Minister of Municipal Affairs and Housing is required,

- (a) to the by-law adopting a Community Improvement Plan or an amendment thereto; [section 28(4)]; and
- (b) to the City's exercise of any power or authority pursuant to the community improvement provisions of the Planning Act for the purpose of carrying out a community improvement plan, where the exercise of such power or authority would be bonuses prohibited under subsection 111(1) of the Municipal Act, [subsection 28(8), Planning Act].

AND WHEREAS the City of Hamilton Act, 1997 authorizes the City to make loans or grants to tenants within a Community Improvement Area for the purpose of rehabilitating lands and buildings in conformity with the Community Improvement Area;

AND WHEREAS Council, on August 5, 1998, in adopting Section 5 of the Fourteenth Report of the Planning and Development Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The provisions of the Commercial Property Improvement Loan Program set out in Schedule "A" hereto annexed and forming part of this by-law, are hereby adopted as amendments to the following Community Improvement Plans and their respective by-laws which adopted them, set out below:

Downtown Hamilton Business Improvement Area

Community Improvement Plan By-law No. 98-120

Main Street West Community Improvement Plan (expanded) . . By-law No. 98-121

2. The first paragraph of Section 1 of Appendix "B" of By-law No. 98-120 is repealed and replaced by the following:

- "1. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified in By-law No. 94-189 will accrue on the principal amount outstanding from the date of the payment default by the borrower."

3. The first paragraph of Section 1 of Appendix "B" of By-law No. 98-121 is repealed and replaced by the following:

Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified in By-law No. 94-189 will accrue on the principal amount outstanding from the date of the payment default by the borrower."

4. The Director of Public Works and Traffic is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing,
 - (a) for approval, as required by subsection 28(4) of the Planning Act, to this amending by-law adopting these amendments to the said Community Improvement Plans;
 - (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister, to permit the City to offer the loans and other assistance at below market rates as provided for in the said Community Improvement Plans, as amended by this

amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.

5. This by-law shall come into force and effect on the date the Minister grants the said two approvals.

PASSED this 5th day of August 1998.

D.J. Wallonell

ACTING
CITY CLERK



Timorini

MAYOR

SCHEDULE "A"

TENANT LOAN GUIDELINES

12. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
13. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
14. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
15. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
16. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
17. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
18. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- such other loan program administrative fees fixed by Council from time to time.
- 19. Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 20. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 21. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 22. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 23. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 24. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 25. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 26. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 27. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 28. All loans become due and payable upon the sale, closing or moving of the borrower's business.

The Corporation of the City of Hamilton

BY-LAW NO. 98-214

To Amend:

By-law No. 88-12 and By-law No. 98-103

Respecting:

**BARTON GENERAL COMMUNITY IMPROVEMENT PLAN and
THE BARTON VILLAGE GENERAL COMMUNITY IMPROVEMENT PLAN**

WHEREAS Section 28 of the Planning Act, R.S.O. 1990, Chapter P.13 authorizes a Council to create Community Improvement Areas and a Community Improvement Plan for the purpose of rehabilitating the Community Improvement Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-11 on the 12th day of January, 1988, [pursuant to subsection 28(2)] to Designate the Barton General Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-12 on the 12th day of January 1998 to adopt a community improvement plan for the said Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 95-180 on the 26th day of September 1995 to revise the Barton General Community Improvement Plan;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-038 on the 27th day of January 1998 to Expand the Barton General Community Improvement Project Area and to Designate the Barton Village Community Improvement Project Area described in Schedule "A" and shown as Area A and Area B on Schedule "B" thereto;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-103 on March 31, 1998 to adopt the Barton Village Community Improvement Plan;

AND WHEREAS the City of Hamilton Act, Chapter Pr1, Statutes of Ontario, 1997, authorizes the City to make loans or grants to tenants within a Community Improvement Area for the purpose of rehabilitating lands and buildings in conformity with the Community Improvement Plan;

AND WHEREAS the existing Community Improvement Plans contain programs that offer loans to owners of buildings and lands within a Community Improvement Area for the purpose of rehabilitating the lands and buildings in conformity with the Community Improvement Plan;

AND WHEREAS Council, on August 5, 1998, in adopting Section 5 of the Fourteenth Report of the Planning and Development Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 88-12, as amended by By-law No. 95-180 is further amended by the addition of Schedule "A" attached to this By-law.

2. By-law No. 98-103 is amended by the addition of Schedule "B".
3. Section 2.1 of By-law No. 88-12, as amended by By-law No. 95-180, is repealed and replaced by the following:

"2.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten(10) years at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified in By-law No. 94-189 will accrue on the principal amount outstanding from the date of the payment default by the borrower."

4. Section 1 of Appendix "B" to By-law No. 98-103 is amended by repealing the first paragraph and substituting in lieu:

"1. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten(10) years at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified in By-law No. 94-189 will accrue on the principal amount outstanding from the date of the payment default by the borrower."

5. This By-law shall not come into effect until approved by the Minister of Municipal Affairs and Housing.

PASSED this 5th day of August 1998.

A. B. McDonnell

ACTING
CITY CLERK



[Signature]

MAYOR

SCHEDULE "A"
BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

- 5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.
- If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
- 5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 5.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 5.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.
- 6.0 Grants to Tenants

The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General

Community Improvement Plan Area with the necessary changes, except as amended by this section.

- 6.1 The maximum grant to a tenant shall be \$5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in grants under the program.

SCHEDULE "B"
BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.)

- and the application fee of the greater of 1.5% of the loan or \$200;
- such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.
 25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
 26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
 27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
 28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
 29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
 30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
 31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
 32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
 33. All loans become due and payable upon the sale, closing or moving of the borrower's business.

34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.

35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in grants under the program.

The Corporation of the City of Hamilton

By-law No. 98-215

To Amend:

By-law Nos. 87-87, 87-88, 87-89, 90-299, 95-11, 95-12

Respecting:

**THE CONCESSION COMMUNITY IMPROVEMENT PLAN
THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN
THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PLAN
THE MAIN STREET WEST COMMUNITY IMPROVEMENT PLAN
THE OTTAWA STREET NORTH COMMUNITY IMPROVEMENT PLAN
THE WESTDALE VILLAGE COMMUNITY IMPROVEMENT PLAN**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-87 on the 31st day March 1987, to adopt The Concession Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of its respective Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-88 on the 31st day March 1987, to adopt The Ottawa Street North Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-89 on the 31st day March 1987, to adopt The Westdale Village Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-299 on the 30th day October 1990, to adopt The Main Street West Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 95-11 on the 13th day of December 1994, to adopt The International Village Community Improvement Plan which includes provisions regarding the rehabilitation and renewal of the Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 95-12 on the 13th day of December, 1994, to adopt The Downtown Hamilton Community Improvement Plan (later re-named The Downtown Hamilton Business Improvement Area Community Improvement Plan), which includes provisions regarding the rehabilitation and renewal of the Community Improvement Project Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 96-035 to amend the Community Improvement Plans for the aforesaid areas;

AND WHEREAS subsection 28(7) of the Planning Act, R.S.O. 1990, c. P.13 states:

"(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings

not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified in By-law No. 94-189 will accrue on the principal amount outstanding from the date of the payment default by the borrower."

- (2) Section 2.10(b)(ii) of the Community Improvement Plans listed below, as adopted by By-law No. 96-035, are amended by deleting the word "not" between the words "encumbrances" and "including".

Concession Community Improvement Plan By-law No. 87-87
 Ottawa Street North Community Improvement Plan By-law No. 87-88
 Westdale Village Community Improvement Plan By-law No. 87-89
 Main Street West Community Improvement Plan By-law No. 90-299
 International Village Community Improvement Plan By-law No. 95-11
 Downtown Hamilton Community Improvement Plan . . . By-law No. 95-12

3. The Director of Public Works and Traffic is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing,
- (a) for approval, as required by subsection 28(4) of the Planning Act, to this amending by-law adopting these amendments to the said Community Improvement Plans;
- (b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister, to permit the City to offer the loans and other assistance at below market rates as provided for in the said Community Improvement Plans, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.
4. This by-law shall come into force and effect on the date the Minister grants the said two approvals.

PASSED this 5th day of August 1998.

P. R. Hollenbeck

ACTING
CITY CLERK



[Signature]

MAYOR

SCHEDULE "A"

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.
- If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

- such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

BY-LAW NO. 98 - 216

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 5th DAY OF
AUGUST, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 5th day of August

A.D. 1998

A. B. Wollan

ACTING
CITY CLERK



[Signature]

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 217

To Adopt:

A BY-LAW TO LEVY TAXES FOR THE YEAR 1998

WHEREAS the Municipal Act provides the authority for the Council of the City of Hamilton to levy on the whole rateable property according to the last returned assessment roll for the current year, the tax rates required for City, Regional Municipality of Hamilton-Wentworth and Public and Separate School purposes;

AND WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth has passed the Regional Rating By-law, directing the Council of the City of Hamilton to levy the 1998 tax rates as approved for general and special purposes;

AND WHEREAS on August 12, 1998, the Council of the Regional Municipality of Hamilton-Wentworth has passed the Regional Rating By-law, directing the Council of the City of Hamilton to levy the 1998 tax rates as approved for School Board purposes;

AND WHEREAS the total assessable property according to the last returned assessment roll is \$14,164,602,125;

AND WHEREAS section 368 of the Municipal Act provides that for each municipal levy, the tax rates to be levied on the different classes of property shall be in the same proportion to each other as the tax ratios for the property classes established under section 363 of the Municipal Act are to each other;

AND WHEREAS Section 367 of the Municipal Act authorizes a municipality to prepare and adopt estimates of all sums required for the year for the purposes of the municipality:

AND WHEREAS the Education Act provides that tax rates for school boards shall be prescribed as follows;

1. For the residential/farm and multi-residential property classes a single tax rate, being .46% as set out in Ontario Regulation 400/98,
2. For the farmlands and managed forest property classes a tax rate equal to 25 per cent of the tax rate prescribed for the residential/farm property class,
3. For the pipelines property class a single tax rate, being 1.6512% as set out in Ontario Regulation 400/98,
4. Applicable tax reductions as per Section 368.1 of the Municipal Act with respect to the subclasses prescribed under subsection 8(1) of the Assessment Act,
5. For the commercial classes and industrial classes as per the Regional Rating By-law;

AND WHEREAS Sections 220 of The Municipal Act requires the City to levy a special charge against the rateable property in a Business Improvement Area that is in a prescribed business property class sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for the Improvement Area;

AND WHEREAS the City has created six Business Improvement Areas, listed in Schedule "E" attached to this Bylaw;

AND WHEREAS the amount of money to be provided by the City to the Board of Management for the year 1998 is shown on Schedule "E";

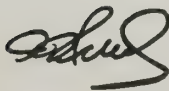
AND WHEREAS the total rateable property in the Business Improvement Areas upon which assessment will be levied is set out in Schedule "E" and which said assessment is the basis upon which the taxes for the Business Improvement Areas will be raised;

NOW THEREFORE The Council of The Corporation of the City of Hamilton hereby enacts as follows:

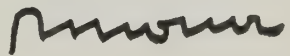
1. For the raising of the sum of \$481,386,765 as shown in Schedule "F" attached hereto, for the general purposes of the Corporation and the amounts required for the Regional Municipality of Hamilton-Wentworth and the School Boards for the current year, there shall be levied and collected upon the whole rateable property the tax rates as shown on Schedule "F" attached hereto.
2. (a) The following tax rates shall be levied upon the Residential-Farm Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farmland Assessment and the Managed Forest Assessment and the applicable subclasses for City purposes set out in Schedule "A" attached hereto and which forms part hereof.
- (b) The following tax rates shall be levied upon the Residential-Farm Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farmland Assessment and the Managed Forest Assessment and the applicable subclasses for Regional purposes set out in Schedule "B & C" attached hereto and which forms part hereof.
- (c) The following tax rates shall be levied upon the Residential-Farm Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farmland Assessment and the Managed Forest Assessment and the applicable subclasses for Education purposes set out in Schedule "D" attached hereto and which forms part hereof.
- (d) That for the purposes of raising the sums of money as required by the respective Boards of Management of the six (6) Business Improvement Areas, rates shall be levied against the rateable property as set out in Schedule "E" attached and forming part hereof;
3. That bands of assessment shall be established for certain property within the residual commercial and industrial classes as were adopted by Regional Council in the Regional By-law of August 12, 1998 and that rate reductions for the residual commercial and industrial classes shall apply to the City rates of taxation in the same manner as described in the Regional By-law.
4. The collector shall proceed to collect the amount to be raised by this By-law, together with all other sums on the tax roll in the manner as set forth in the Assessment and Municipal Acts, the Regional Municipalities Act and any other applicable Acts and the By-laws in force in this Municipality.
5. Despite Bylaw No. 94-189, all property taxes and special levies, other than those levied by the interim levy as set out in By-law No. 98-052, shall be paid in two instalments due September 30, 1998 and November 30, 1998.

6. When payment of any instalment or any part of any instalment of taxes levied by this by-law is in default, penalties and where applicable interest, shall be imposed respectively in accordance with By-law No. 94-189.
7. In default of payment of any instalment of taxes or any part of any instalment, by the day named herein for the payment thereof, the subsequent instalment or instalments shall forthwith become due and payable.
8. The Treasurer is authorized and directed to serve personally or to mail or cause to be mailed, notices of the taxes hereby levied to the person or persons taxed at the address of the resident or place of business of such person.
9. The Treasurer and the Collector of Taxes is authorized to accept part payment from time to time on account of any taxes due, or alternatively is authorized to refuse acceptance of any such part payment.

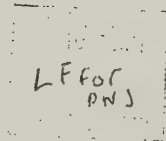
PASSED this 12th day of August 1998.



CITY CLERK



MAYOR



By-Law Number 98-217
Schedule "A"

City of Hamilton Purposes

Property Class	Current Value Assessment	City Full Rate	City Levy
Residential & Farm	\$ 10,322,069,182	0.005572704	57,521,836
-Farmlands 1	-	0.001950446	-
-Farmlands 2	\$ -	0.005572704	-
Multi-Residential	\$ 1,150,437,633	0.017060277	19,626,785
Residual Commercial	\$ 447,430,219	0.012954216	5,796,108
	\$ 749,803,902	0.015240254	11,427,202
-vacant unit, excess land	\$ 127,473,738	0.009067951	1,155,926
	\$ 137,641,829	0.010668178	1,468,388
Shopping Centre	\$ 453,969,543	0.014555367	6,607,693
-vacant unit, excess land	\$ 28,300,360	0.010188757	288,345
Parking Lot & Vacant Com. Land	\$ 56,039,259	0.014353057	804,335
Residual Industrial	\$ 83,603,481	0.020245779	1,692,618
	\$ 47,530,362	0.025307224	1,202,862
-vacant unit, excess land	\$ 3,925,614	0.013159756	51,660
	\$ 3,390,215	0.016449695	55,768
Large Industrial	\$ 483,078,310	0.026286446	12,698,412
-vacant unit, excess land	\$ 18,850,678	0.017086190	322,086
Pipelines	\$ 49,921,000	0.007856399	392,199
Farmlands	\$ 1,100,800	0.001393176	1,534
Managed Forest	\$ 36,000	0.001393176	50
Total	\$ 14,164,602,125	\$	121,113,806
Shopping Centre Rebate	-	-	391,688
		\$	120,722,118

By-Law Number 98-217
Schedule "B"

Regional Purposes
(Including Waste Management, Storm Sewer & Transit)
Property Class

	Regional Full Rate	Regional Full Levy
Current Value Assessment		

Residential & Farm	RT	\$ 10,322,069,182	0.009573668	98,820,063
-Farmlands 1	R1	\$ -	0.003350784	-
-Farmlands 2	R4	\$ -	0.009573668	-
Multi-Residential	MT	\$ 1,150,437,633	0.029308830	33,717,981
Residual Commercial	CT	\$ 447,430,219	0.022260591	9,960,061
-vacant unit, excess land	Band 1	\$ 749,803,902	0.026188932	19,636,563
-vacant unit, excess land	Band 2	\$ 127,473,738	0.015562414	1,986,349
-vacant unit, excess land	Band 1	\$ 137,641,829	0.018332253	2,523,285
-vacant unit, excess land	Band 2	\$ 453,969,543	0.024991431	11,345,349
Shopping Centre	ST	\$ 28,300,360	0.017494001	495,087
-vacant unit, excess land	SU	\$ 56,039,259	0.024657941	1,381,813
Parking Lot & Vacant Com. Land	GT & CX	\$ 83,603,481	0.034570549	2,890,218
Residual Industrial	IT	\$ 47,530,362	0.043213187	2,053,938
-vacant unit, excess land	Band 1	\$ 3,925,614	0.022470857	88,212
-vacant unit, excess land	Band 2	\$ 3,390,215	0.028086571	95,226
Large Industrial	LT	\$ 483,078,310	0.045158996	21,815,331
-vacant unit, excess land	LU	\$ 18,850,678	0.029353347	553,330
Pipelines	PT	\$ 49,921,000	0.013496959	673,782
Farmlands	FT	\$ 1,100,800	0.002393417	2,635
Managed Forest	TT	\$ 36,000	0.002393417	86
Total		\$ 14,164,602,125	\$	208,039,309

By-Law Number 98-217
Schedule "C"

Regional Purposes - Breakdown by Levy Type

Property Class	General Rate	General Levy	Waste Rate	Waste Levy	Sewer Rate	Sewer Levy	Transit Rate	Transit Levy	Total Levy
Residential & Farm									
-Farmlands 1	RT 0.007657241	79,038,571	0.000370002	3,819,186	0.000408021	4,211,621	0.001138404	11,750,685	98,820,063
-Farmlands 2	R1 0.002680034	-	0.000129501	-	0.000142807	-	0.000398441	-	-
Multi-Residential	R4 0.007657241	-	0.000370002	-	0.000408021	-	0.001138404	-	-
Residual Commercial	MT 0.023441879	26,968,420	0.001132725	1,303,129	0.001249115	1,437,029	0.003485111	4,009,403	33,717,981
	CT 0.017805696	7,966,806	0.000860101	384,835	0.000948478	424,378	0.002646316	1,184,042	9,960,061
	Band 1 0.020947878	15,706,801	0.001011884	758,715	0.001115857	836,674	0.003113313	2,334,374	19,636,563
	Band 2 0.012463987	1,588,831	0.000602071	76,748	0.000663935	84,634	0.001852421	236,135	1,986,349
-vacant unit, excess land	CU 0.014663515	2,018,313	0.000708319	97,494	0.000781100	107,512	0.002179319	299,965	2,523,285
	Band 1 0.020155043	8,149,776	0.000968250	439,556	0.001063622	482,852	0.002804516	1,273,165	11,345,349
Shopping Centre	ST 0.014108530	399,276	0.000677775	19,181	0.000744535	21,071	0.001963161	55,558	485,087
-vacant unit, excess land	GT & CX 0.019721991	1,105,206	0.000952978	53,404	0.001050898	58,892	0.002932074	164,311	1,381,813
Parking Lot & Vacant Com. Land	IT 0.027608117	2,308,135	0.001344228	112,382	0.001482353	123,930	0.004135851	345,772	2,890,218
Residual Industrial	Band 1 0.034510146	1,640,280	0.001680285	79,865	0.001852842	88,071	0.005169814	245,723	2,053,938
	Band 2 0.017945276	70,446	0.000873748	3,430	0.000963530	3,782	0.002688303	10,553	88,212
-vacant unit, excess land	IU & IX 0.022431595	76,048	0.001092185	3,703	0.001204412	4,083	0.003360379	11,392	95,226
Large Industrial	LT 0.036119208	17,448,406	0.001745300	843,117	0.001924634	929,749	0.005369854	2,594,060	21,815,331
-vacant unit, excess land	LU 0.023477485	442,567	0.001134445	21,385	0.001251012	23,582	0.003490405	65,797	553,330
Pipelines	PT 0.010795179	538,906	0.000521629	26,040	0.000575228	28,716	0.001604923	80,119	673,782
Farmlands	FT 0.001914310	2,107	0.000092501	102	0.000102005	112	0.000284601	313	2,635
Managed Forest	TT 0.001914310	69	0.000092501	3	0.000102005	4	0.000284601	10	86

Total \$166,468,964 \$ 8,042,276 \$ 8,866,692 \$24,661,378 \$208,039,309

By-Law Number 98-217
Schedule "D"

Provincial Education Purposes

Property Class		Current Value Assessment	Education Full Rate	Education Levy
Residential & Farm	RT	\$ 10,322,069,182	0.004600000	47,481,518
-Farmlands 1	R1	\$ -	0.001610000	-
-Farmlands 2	R4	\$ -	0.004600000	-
Multi-Residential	MT	\$ 1,150,437,633	0.004600000	5,292,013
Residual Commercial	CT	\$ 447,430,219	0.030116732	13,475,136
	Band 1	\$ 749,803,902	0.035431449	26,566,639
	Band 2	\$ 127,473,738	0.021081712	2,687,365
-vacant unit, excess land	CU	\$ 137,641,829	0.024802015	3,413,795
	Band 2			
Shopping Centre	ST	\$ 453,969,543	0.031906753	14,484,694
-vacant unit, excess land	SU	\$ 28,300,360	0.022334727	632,081
Parking Lot & Vacant Com. Land	GT & CX	\$ 56,039,259	0.03357973	1,869,356
Residual Industrial	IT	\$ 83,603,481	0.044584917	3,727,454
	Band 1	\$ 47,530,362	0.055731146	2,648,922
	Band 2	\$ 3,925,614	0.028980196	113,765
-vacant unit, excess land	IU & IX	\$ 3,390,215	0.036225245	122,811
	Band 2			
Large Industrial	LT	\$ 483,078,310	0.058329650	28,177,789
-vacant unit, excess land	LU	\$ 18,850,678	0.037914273	714,710
Pipelines	PT	\$ 49,921,000	0.016512000	824,296
Farmlands	FT	\$ 1,100,800	0.001150000	1,266
Managed Forest	TT	\$ 36,000	0.001150000	41
Total		\$ 14,164,602,125		152,233,650

By-Law Number 98-217
Schedule "E"

Business Improvement Area Rates

Concession Street

	Current Value	Ratio	Weighted Assessment	Vacancy Reductions	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
Residual Commercial	CT \$ 7,780,831	2.5756	20,040,308	0.00	\$ 20,040,308	0.001320762	\$ 10,276.63
-vacant unit, excess land	CU \$ 1,864,046	2.5756	4,801,037	0.30	\$ 3,360,726	0.000924534	\$ 1,723.37
Shopping Centre	ST \$ -	2.4636	-	0.00	\$ -	0.001263329	\$ -
-vacant unit, excess land	SU \$ -	2.4636	-	0.30	\$ -	0.00084330	\$ -
Parking Lot & Vacant Com. Land	GT & CX \$ -	2.5756	-	0.00	\$ -	0.001320762	\$ -
Residual Industrial	IT \$ -	3.9654	-	0.00	\$ -	0.002033449	\$ -
-vacant unit, excess land	IU \$ -	3.9654	-	0.35	\$ -	0.001321742	\$ -
Large Industrial	LT \$ -	4.7170	-	0.00	\$ -	0.002418867	\$ -
-vacant unit, excess land	LU \$ -	4.7170	-	0.35	\$ -	0.001572264	\$ -
Total	\$ 9,644,877		\$ 24,841,345		\$ 23,401,034		\$ 12,000.00

Approved 1998 Budget \$ 12,000 divided by assessment vacancy adjusted \$ 23,401,034 equals tax rate 0.000512798 at ratio 1.00.

Westdale

	Current Value	Ratio	Weighted Assessment	Vacancy Reductions	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
Residual Commercial	CT \$ 9,466,163	2.5756	24,381,049	0.00	\$ 24,381,049	0.003507996	\$ 33,207.26
-vacant unit, excess land	CU \$ 730,062	2.5756	1,880,348	0.30	\$ 1,316,243	0.002455597	\$ 1,792.74
Shopping Centre	ST \$ -	2.4636	-	0.00	\$ -	0.003355451	\$ -
-vacant unit, excess land	SU \$ -	2.4636	-	0.30	\$ -	0.002348816	\$ -
Parking Lot & Vacant Com. Land	GT & CX \$ -	2.5756	-	0.00	\$ -	0.003507996	\$ -
Residual Industrial	IT \$ -	3.9654	-	0.00	\$ -	0.005400919	\$ -
-vacant unit, excess land	IU \$ -	3.9654	-	0.35	\$ -	0.003510597	\$ -
Large Industrial	LT \$ -	4.7170	-	0.00	\$ -	0.006424607	\$ -
-vacant unit, excess land	LU \$ -	4.7170	-	0.35	\$ -	0.004175994	\$ -
Total	\$ 10,196,225		\$ 26,261,397		\$ 25,697,293		\$ 35,000.00

Approved 1998 Budget \$ 35,000 divided by assessment vacancy adjusted \$ 25,697,293 equals tax rate 0.001362011 at ratio 1.00.

By-Law Number 98-217
Schedule "E" (cont.)

Ottawa Street

	Current Value	Ratio	Weighted Assessment	Vacancy Reductions	Vacancy Assessment	BIA Tax Rate	BIA Levy
Residual Commercial	CT \$ 10,469,384	2.5756	26,964,945	0.00	\$ 26,964,945	0.004127108	\$ 43,208.28
-vacant unit, excess land	CU \$ 2,414,993	2.5756	6,220,056	0.30	\$ 4,354,039	0.002888976	\$ 6,976.86
Shopping Centre	ST \$ -	2.4636	-	0.00	\$ -	0.003947641	\$ -
-vacant unit, excess land	SU \$ -	2.4636	-	0.30	\$ -	0.002763349	\$ -
Parking Lot & Vacant Com. Land	GT & CX \$ -	2.5756	-	0.00	\$ -	0.004127108	\$ -
Residual Industrial	IT \$ 266,036	3.9654	1,054,939	0.00	\$ 1,054,939	0.006354106	\$ 1,690.42
-vacant unit, excess land	IU \$ -	3.9654	-	0.35	\$ -	0.004130169	\$ -
Large Industrial	LT \$ -	4.7170	-	0.00	\$ -	0.007558460	\$ -
-vacant unit, excess land	LU \$ -	4.7170	-	0.35	\$ -	0.004912999	\$ -
Total	\$ 13,150,413		\$ 34,239,941		\$ 32,373,924		\$ 51,875.56

Approved 1998 Budget \$51,875.56 divided by assessment vacancy adjusted \$ 32,373,924 equals tax rate 0.001602387 at ratio 1.00.

International Village

	Current Value	Ratio	Weighted Assessment	Vacancy Reductions	Vacancy Assessment	BIA Tax Rate	BIA Levy
Residual Commercial	CT \$ 5,561,817	2.5756	14,325,016	0.00	\$ 14,325,016	0.007403145	\$ 41,174.94
-vacant unit, excess land	CU \$ 1,616,120	2.5756	4,162,479	0.30	\$ 2,913,735	0.005182202	\$ 8,375.06
Shopping Centre	ST \$ -	2.4636	-	0.00	\$ -	0.007081220	\$ -
-vacant unit, excess land	SU \$ -	2.4636	-	0.30	\$ -	0.004956854	\$ -
Parking Lot & Vacant Com. Land	GT & CX \$ -	2.5756	-	0.00	\$ -	0.007403145	\$ -
Residual Industrial	IT \$ -	3.9654	-	0.00	\$ -	0.011397901	\$ -
-vacant unit, excess land	IU \$ -	3.9654	-	0.35	\$ -	0.007408635	\$ -
Large Industrial	LT \$ -	4.7170	-	0.00	\$ -	0.013558253	\$ -
-vacant unit, excess land	LU \$ -	4.7170	-	0.35	\$ -	0.008812865	\$ -
Total	\$ 7,177,937		\$ 18,487,495		\$ 17,238,751		\$ 49,550.00

Approved 1998 Budget \$ 49,550 divided by assessment vacancy adjusted \$ 17,238,751 equals tax rate 0.002874338 at ratio 1.00.

By-Law Number 98-217
Schedule "E" (cont.)

Barton Village *

	Current Value Assessment	Ratio	Weighted Assessment	Vacancy Reductions	Assessment Adjusted	BIA Tax Rate	BIA Levy
Residual Commercial	CT \$ 8,710,070	2.5756	22,433,656	0.00	\$ 22,433,656	0.002153338	\$ 18,755.73
-vacant unit, excess land	CU \$ 1,592,394	2.5756	4,101,370	0.30	\$ 2,870,959	0.001507337	\$ 2,400.27
Shopping Centre	ST \$ -	2.4636	-	0.00	\$ -	0.002059700	\$ -
-vacant unit, excess land	SU \$ -	2.4636	-	0.30	\$ -	0.001441790	\$ -
Parking Lot & Vacant Com. Land	GT & CX \$ -	2.5756	-	0.00	\$ -	0.003315285	\$ 524.54
Residual Industrial	IT \$ 158,218	3.9654	627,398	0.00	\$ 627,398	0.002154935	\$ -
-vacant unit, excess land	IU \$ -	3.9654	-	0.35	\$ -	0.003943663	\$ 8,319.46
Large Industrial	LT \$ 2,109,577	4.7170	9,950,875	0.00	\$ 9,950,875	0.002563381	\$ -
-vacant unit, excess land	LU \$ -	4.7170	-	0.35	\$ -		
Total	\$ 12,570,259		\$ 37,113,299		\$ 35,882,888		\$ 30,000.00

Approved 1998 Budget \$ 30,000 divided by assessment vacancy adjusted \$ 35,882,888 equals tax rate 0.000836053 at ratio 1.00.

* Westinghouse 2/3 assessment reduction as per By-law 98-15

	Gross Assessment	Adjustment	Rateable Assessment
Residual Commercial	\$ 1,070	\$ 713	\$ 357
-vacant unit, excess land	\$ 275,200	\$ 183,467	\$ 91,733
Residual Industrial	\$ 191,000	\$ 127,333	\$ 63,667
Large Industrial	\$ 6,328,730	\$ 4,219,153	\$ 2,109,577

By-Law Number 98-217
Schedule "E" (cont.)

Downtown *

	Current Value Assessment	Ratio	Weighted Assessment	Vacancy Reductions	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
Residual Commercial	CT \$ 57,973,051	2.5756	149,315,390	0.00	\$ 149,315,390	0.001356451	\$ 78,637.63
-vacant unit, excess land	CU \$ 11,248,798	2.5756	28,972,404	0.30	\$ 20,280,683	0.000949516	\$ 10,680.91
Shopping Centre	ST \$ 515,909	2.4636	1,270,993	0.00	\$ 1,270,993	0.001297466	\$ 669.37
-vacant unit, excess land	SU \$ 152,949	2.4636	376,805	0.30	\$ 263,764	0.000908226	\$ 138.91
Parking Lot & Vacant Com. Land	GT & CX \$ 1,675,820	2.5756	4,316,242	0.00	\$ 4,316,242	0.001356451	\$ 2,273.17
Residual Industrial	IT \$ -	3.9654	-	0.00	\$ -	0.002088396	\$ -
-vacant unit, excess land	IU \$ -	3.9654	-	0.35	\$ -	0.001357457	\$ -
Large Industrial	LT \$ -	4.7170	-	0.00	\$ -	0.002484230	\$ -
-vacant unit, excess land	LU \$ -	4.7170	-	0.35	\$ -	0.001614749	\$ -
Total	\$ 71,566,527		\$ 184,251,835		\$ 175,447,072		\$ 92,400.00

Approved 1998 Budget \$ 92,400 divided by assessment vacancy adjusted \$ 175,447,072 equals tax rate 0.000526655 at ratio 1.00.

* Ramada and Howard Johnson's 2/3 assessment reduction as per By-law 92-119

	Gross Assessment	Adjustment	Rateable Assessment
Residual Commercial			
Ramada	\$ 2,252,000	\$ 1,501,333	\$ 750,667
Howard Johnson's	\$ 3,025,000	\$ 2,016,667	\$ 1,008,333
	\$ 5,277,000	\$ 3,518,000	\$ 1,759,000

All Purposes - Combined Rates

(Excluding BIA Levies)

Property Class	Current Value Assessment	All Purpose Full Rate	All Purpose Levy	Region Levy	Education Levy	City Levy
Residential & Farm	RT \$10,322,069,182	0.019746372	203,823,418	98,820,063	47,481,518	57,521,836
-Farmlands 1	R1 \$ -	0.006911230	-	-	-	-
-Farmlands 2	R4 \$ -	0.019746372	-	-	-	-
Multi-Residential	MT \$1,150,437,633	0.050969107	58,636,779	33,717,981	5,292,013	19,626,785
Residual Commercial	CT \$447,430,219	0.065331539	29,231,305	9,960,061	13,475,136	5,796,108
-vacant unit, excess land	\$749,803,902	0.076860635	57,630,404	19,636,563	26,566,639	11,427,202
	\$127,473,738	0.045732077	5,829,639	1,986,349	2,687,365	1,155,926
	\$137,641,829	0.053802446	7,405,467	2,523,285	3,413,795	1,468,388
Shopping Centre	\$453,969,543	0.071453551	32,437,736	11,345,349	14,484,694	6,607,693
-vacant unit, excess land	SU \$28,300,360	0.050017485	1,415,513	495,087	632,081	288,345
Parking Lot & Vacant Com. Land	\$56,039,259	0.072368971	4,055,504	1,381,813	1,869,356	804,335
Residual Industrial	\$83,603,481	0.099401245	8,310,290	2,890,218	3,727,454	1,692,618
	\$47,530,362	0.124251557	5,905,721	2,053,938	2,648,922	1,202,862
-vacant unit, excess land	\$3,925,614	0.064610809	253,637	88,212	113,765	51,660
	\$3,390,215	0.080763511	273,806	95,226	122,811	55,768
Large Industrial	\$483,078,310	0.129775092	62,691,532	21,815,331	28,177,789	12,698,412
-vacant unit, excess land	\$18,850,678	0.084353810	1,590,127	553,330	714,710	322,086
Pipelines	\$49,921,000	0.037865358	1,890,277	673,782	824,296	392,199
Farmlands	\$1,100,800	0.004936593	5,434	2,635	1,266	1,534
Managed Forest	\$36,000	0.004936593	178	86	41	50
Total	\$14,164,602,125	\$	481,386,765	\$208,039,309	\$152,233,650	\$121,113,806
	Shopping Centre Rebate	-	976,610	-	584,922	-
			480,410,155	207,454,387	152,233,650	120,722,118
						391,688

The Corporation of the City of Hamilton

BY-LAW NO. 98- 218

To Appoint:

**A CHIEF ADMINISTRATIVE OFFICER/CITY MANAGER
FOR THE CORPORATION OF THE CITY OF HAMILTON**

WHEREAS pursuant to Section 72 of the Municipal Act, R.S.O. 1990, Chapter M.45, the Council of The Corporation of the City of Hamilton may appoint a Chief Administrative Officer;

AND WHEREAS the Regional Council and the City Council have re-affirmed their support for the consolidation of the administration of The Regional Municipality of Hamilton-Wentworth with the administration of The Corporation of the City of Hamilton as a means of cutting costs;

AND WHEREAS the initial step in the consolidation of the two administrations is to appoint an individual to the position of City Manager;

AND WHEREAS by Resolution adopted on the 30th day of July, 1998, the Council of The Corporation of the City of Hamilton agreed to appoint **Douglas A. Lychak** to the position of City Manager, effective September 1, 1998;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Douglas A. Lychak is hereby appointed as the Chief Administrative Officer of The Corporation of the City of Hamilton.
2. The Chief Administrative Officer shall be responsible to the Mayor and the City Council for the general control and management of the administration of the government and affairs of the City, and shall perform such duties as the City Council by by-law prescribes.
3. Without limiting the responsibilities set forth in Section 2, the duties of the Chief Administrative Officer include;
 - (a) to supervise the management of the business and affairs of the City in accordance with the policies approved and determined by the City Council;
 - (b) to enquire continuously into the effectiveness and efficiency of the services provided by the City and to recommend to Council any changes or improvements which will improve the quality of such services;
 - (c) to supervise the preparation of the City's budgets, and to be responsible for their implementation;
 - (d) to attend or be represented at all meetings of the City Council and Committees of Council;
 - (e) to supervise the consolidation of the administrations of the Regional Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton, and to develop an organizational structure for the consolidated administration, in accordance with the directions of the appropriate Committee of Council or such other body constituted by the Councils of the Regional

Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton.

4. The Chief Administrative Officer may be referred to and may use the title of "City Manager" in the course of carrying out the duties and responsibilities set forth in this By-law.
5. By-laws No. 81-37 and No. 84-263 are hereby repealed.
6. This By-law shall come into force and effect on the 1st day of September, 1998.

PASSED this 12th day of August, 1998.



CITY CLERK



MAYOR

BY-LAW NO. 98 - 219

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 12th DAY OF
AUGUST, 1998.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

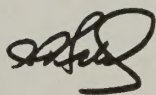
AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

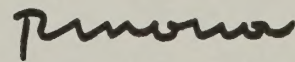
1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 12th day of August

A.D. 1998



CITY CLERK



MAYOR

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